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Energy Act

Revised Statutes of Ontario, 1990
Chapter E.16

as amended by:
1993, Chapter 27, Sched.;
1994, Chapter 27, s. 81;
1996, Chapter 19, s. 20

**Loi sur les
hydrocarbures**

Lois refondues de l'Ontario de 1990
Chapitre E.16

tel qu'il est modifié par :
l'annexe du chap. 27 de 1993;
l'art. 81 du chap. 27 de 1994;
l'art. 20 du chap. 19 de 1996

and the following Regulations (as amended):

et les règlements suivants (tels qu'ils sont modifiés) :

Certificates (O. Reg. 348/96)

Compressed Natural Gas Storage, Handling and
Utilization (O. Reg. 83/97)

Fuel Oil Code (R.R.O. 1990, Reg. 329)

Gas Utilization Code (O. Reg. 546/96)

Oil and Gas Pipeline Systems (O. Reg. 157/97)

Propane Storage, Handling and Utilization
(O. Reg. 514/96)



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CHAPTER E.16

Energy Act

CHAPITRE E.16

Loi sur les hydrocarbures

Definitions

1. (1) In this Act,

“appliance” means a device that uses a hydrocarbon and includes all valves, fittings, controls and components attached or to be attached thereto; (“appareil”)

“contractor” means a person who carries on the business of, or a person whose business includes, installing, removing, repairing, altering or servicing appliances, and includes a person or an agent of the person who agrees to install, remove, repair, alter or service appliances sold or leased by the person; (“entrepreneur”)

“Deputy Minister” means the Deputy Minister of Consumer and Commercial Relations; (“sous-ministre”)

“Director” means a person appointed as a Director for the purposes of this Act; (“directeur”)

“distributor” means a person who supplies a hydrocarbon to an end user, and “distribute” and “distribution” have corresponding meanings; (“distributeur”, “distribuer”, “distribution”)

“handling” means the transmission, transportation or distribution of a hydrocarbon, or the storage of a hydrocarbon in a container, and “handle” and “handler” have corresponding meanings; (“manutention”, “manutentionner”, “manutentionnaire”)

“hydrocarbon” means a chemical compound of hydrogen and carbon used as a fuel, either liquid or gaseous; (“hydrocarbure”)

“inspector” means an inspector appointed for the purposes of this Act and the regulations; (“inspecteur”)

“install” includes placing an appliance in position for temporary use, venting an appliance and connecting piping to an appliance; (“installer”)

“Minister” means the Minister of Consumer and Commercial Relations; (“ministre”)

“Ministry” means the Ministry of Consumer and Commercial Relations; (“ministère”)

“pipeline” means a pipe that is used for the transmission or distribution of a hydrocarbon and includes fittings, valves, controls,

1. (1) Les définitions qui suivent s'appliquent à la présente loi.

«appareil» Dispositif qui utilise des hydrocarbures. S'entend en outre des soupapes, raccords, commandes et composants qui en font ou en feront partie. («appliance»)

«directeur» Personne nommée directeur pour l'application de la présente loi. («Director»)

«distributeur» Personne qui fournit des hydrocarbures aux utilisateurs ultimes. Les termes «distribuer» et «distribution» ont un sens correspondant. («distributor», «distribute», «distribution»)

«entrepreneur» Personne qui exploite une entreprise d'installation, d'enlèvement, de réparation, de changement ou d'entretien d'appareils ou dont l'entreprise comporte ces activités. S'entend en outre de la personne ou d'un représentant de cette personne qui convient d'installer, d'enlever, de réparer, de changer ou d'entretenir tout appareil qu'elle a vendu ou loué. («contractor»)

«hydrocarbure» Composé chimique contenant de l'hydrogène et du carbone et utilisé comme carburant ou combustible liquide ou gazeux. («hydrocarbon»)

«inspecteur» Inspecteur nommé pour l'application de la présente loi et des règlements. («inspector»)

«installer» S'entend en outre de la mise en place d'un appareil en vue d'un usage temporaire, de l'aménagement d'un conduit d'aération sur un appareil et du raccordement de tuyaux à un appareil. («install»)

«manutention» Transmission, transport ou distribution des hydrocarbures, de même que leur emmagasinage dans tout contenant. Les termes «manutentionner» et «manutentionnaire» ont un sens correspondant. («handling», «handle», «handler»)

«ministère» Le ministère de la Consommation et du Commerce. («Ministry»)

«ministre» Le ministre de la Consommation et du Commerce. («Minister»)

«ouvrage» Installations utilisées pour la manutention des hydrocarbures. («work»)

Définitions

compressor stations, pressure regulating stations and meter stations, but does not include the pipe, fittings, valves or controls of the end user; ("pipeline")

"regulations" means the regulations made under this Act; ("règlements")

"transmitter" means a person who supplies a hydrocarbon by pipeline to a distributor and "transmit", "transmission" and "transmission line" have corresponding meanings; ("transmetteur", "transmettre", "transmission", "canalisation de transmission")

"transporter" means a person who supplies a hydrocarbon other than by pipeline to a distributor or an end user and "transport" and "transportation" have corresponding meanings; ("transporteur", "transporter", "transport")

"work" used as a noun, means the facilities used in the handling of a hydrocarbon. ("ouvrage") R.S.O. 1990, c. E.16, s. 1; 1994, c. 27, s. 81 (1, 2).

«pipeline» Canalisation utilisée pour la transmission ou la distribution des hydrocarbures. S'entend en outre des raccords, soupapes, commandes, stations de compression, poste de contrôle de la pression et appareils de mesure à l'exclusion toutefois des canalisations, raccords, soupapes et commandes appartenant à l'utilisateur ultime. («pipeline»)

«règlements» Les règlements pris en application de la présente loi. («regulations»)

«sous-ministre» Le sous-ministre de la Consommation et du Commerce. («Deputy Minister»)

«transmetteur» Personne qui fournit par pipeline des hydrocarbures à un distributeur. Les termes «transmettre», «transmission» et «canalisation de transmission» ont un sens correspondant. («transmitter», «transmit», «transmission», «transmission line»)

«transporteur» Personne qui fournit des hydrocarbures à un distributeur ou à un utilisateur ultime par tout moyen autre que le pipeline. Les termes «transporter» et «transport» ont un sens correspondant. («transporter», «transport», «transportation») L.R.O. 1990, chap. E.16, art. 1; 1994, chap. 27, par. 81 (1) et (2).

(2) Les articles 15 à 19 de la *Loi sur le ministère de la Consommation et du Commerce*, dans la mesure où ils s'appliquent à la présente loi, peuvent être exécutés de la même manière et dans la même mesure que s'ils avaient été adoptés dans le cadre de la présente loi. 1994, chap. 27, par. 81 (3).

2. Le ministre est chargé de l'application de la présente loi. L.R.O. 1990, chap. E.16, art. 2.

3. ABROGÉ : 1994, chap. 27, par. 81 (4).

4. (1) L'inspecteur peut, dans l'exercice de ses fonctions aux termes de la présente loi et des règlements :

a) pénétrer, sous réserve du paragraphe (2), dans un local à toute heure, sans mandat;

b) enlever ou utiliser en tout temps tout ouvrage ou appareil, en tout ou en partie;

c) exiger la production des plans ou devis de tout ouvrage ou appareil ou partie de ceux-ci, de tout permis, dossier ou rapport, en faire l'examen et la reproduction, et exiger de quiconque des renseignements concernant tout ouvrage ou appareil ou partie de ceux-ci, leur maintenance ou leur affectation;

Application of R.S.O. 1990, c. M.21

(2) Sections 15 to 19 of the *Ministry of Consumer and Commercial Relations Act*, to the extent that they apply to this Act, are enforceable in the same manner and to the same extent as if they had been enacted as provisions in this Act. 1994, c. 27, s. 81 (3).

Administration of Act

2. The Minister is responsible for the administration of this Act. R.S.O. 1990, c. E.16, s. 2.

3. REPEALED: 1994, c. 27, s. 81 (4).

Powers of inspectors

4. (1) An inspector may for the purpose of carrying out his duties under this Act and the regulations,

(a) subject to subsection (2), enter in or upon any premises at any time without a warrant;

(b) take up or use at any time any work or appliance or part thereof;

(c) require the production of any drawing or specification of a work or appliance, or any part thereof, or any licence, record or report and may inspect, and make copies of, the same and may require information from any person concerning any matter related to a work or appliance or part thereof or the handling or use thereof;

Application du chap. M.21 des L.R.O. de 1990

Application de la loi

Pouvoirs des inspecteurs

- (d) be accompanied by any person at the request of the inspector who has special or expert knowledge of any matter in relation to a work or appliance or a part thereof or the handling or use thereof;
- (e) alone, or in conjunction with such other persons possessing special or expert knowledge, make such examinations, tests or inquiries as may be necessary to ascertain whether this Act and the regulations are being complied with and for such purpose take or remove any material or substance subject to the handler or user being notified thereof.

- d) à sa demande, se faire accompagner d'experts sur toute question relative aux ouvrages et aux appareils ou à une partie de ceux-ci, à leur manutention ou à leur affectation;
- e) seul, ou de concert avec des experts et spécialistes, faire les examens, épreuves et enquêtes qui peuvent être nécessaires dans le but de s'assurer du respect de la présente loi et des règlements et à cette fin, prendre ou enlever tous matériaux ou substances après en avoir avisé les manutentionnaires ou l'utilisateur.

Warrant

(2) An inspector shall not enter any room or place actually being used as a dwelling where the occupier refuses entry except under the authority of a search warrant issued under section 158 of the *Provincial Offences Act*. R.S.O. 1990, c. E.16, s. 4.

(2) L'inspecteur ne peut pénétrer dans une pièce ou un lieu utilisé à des fins d'habitation auquel l'occupant lui refuse accès, à moins d'être muni du mandat de perquisition décerné en vertu de l'article 158 de la *Loi sur les infractions provinciales*. L.R.O. 1990, chap. E.16, art. 4.

Mandat

Obstruction of inspector

5. (1) No person shall hinder, obstruct, molest or interfere with or attempt to hinder, obstruct, molest or interfere with an inspector in the exercise of a power or the performance of a duty under this Act and the regulations.

5. (1) Nul ne doit gêner, entraver ni importuner un inspecteur dans l'exercice de ses pouvoirs et fonctions aux termes de la présente loi et des règlements, ni tenter de le faire.

Entrave à l'inspecteur

Assistance of inspector

(2) Every person shall furnish all necessary means in the person's power to facilitate any entry, inspection, examination or inquiry by an inspector in the exercise of his or her powers and duties under this Act and the regulations.

(2) Toute personne doit fournir tous les moyens nécessaires dont elle dispose pour faciliter l'accès, l'inspection, l'examen ou l'enquête par un inspecteur dans l'exercice de ses fonctions et pouvoirs aux termes de la présente loi et des règlements.

Aide à l'inspecteur

Refusal to produce

(3) No person shall neglect or refuse to produce a licence, certificate, drawing, specification, record or report as required by an inspector under clause 4 (1) (c).

(3) Nul ne doit négliger ni refuser de produire les permis, certificats, plans, devis, dossiers ou rapports dont l'inspecteur exige la production en vertu de l'alinéa 4 (1) (c).

Refus de produire un document

False information

(4) No person shall furnish an inspector with false information or neglect or refuse to furnish information required by an inspector in the exercise of his or her duties under this Act and the regulations. R.S.O. 1990, c. E.16, s. 5.

(4) Nul ne doit fournir de faux renseignements à l'inspecteur, ni négliger ou refuser de lui fournir les renseignements qu'il exige dans l'exercice de ses fonctions aux termes de la présente loi et des règlements. L.R.O. 1990, chap. E.16, art. 5.

Faux renseignements

Information confidential

6. (1) An inspector shall not publish, disclose or communicate to any person any information, record, report or statement acquired, furnished, obtained, made or received under the powers conferred under this Act and the regulations except for the purposes of carrying out his or her duties under this Act and the regulations.

6. (1) L'inspecteur ne publie, ne divulgue ni ne communique à qui que ce soit les renseignements acquis, les dossiers fournis, les rapports obtenus ou les déclarations faites ou reçues en vertu des pouvoirs que la présente loi et les règlements lui confèrent, sauf dans le cadre de l'exercice de ses fonctions aux termes de la présente loi et des règlements.

Renseignements confidentiels

Compellability in civil suit

(2) An inspector is not a compellable witness in a civil suit or proceeding respecting any information, record, report, statement or test acquired, furnished, obtained, made or received under the powers conferred under this Act and the regulations.

(2) L'inspecteur n'est pas, dans le cadre d'une poursuite ou instance civile, un témoin contraignable, à l'égard des renseignements acquis, des dossiers fournis, des rapports obtenus ou des déclarations ou épreuves faites ou reçues en vertu des pouvoirs que la présente loi et les règlements lui confèrent.

Contraignabilité lors d'une poursuite civile

Exception

(3) The Director may disclose or publish information, material, statements or result of a test acquired, furnished, obtained or made under the powers conferred under this Act and the regulations. R.S.O. 1990, c. E.16, s. 6.

(3) Le directeur peut divulguer ou publier les renseignements acquis, les documents fournis, les déclarations obtenues ou le résultat des épreuves effectuées en vertu des pouvoirs que la présente loi et les règlements lui confèrent. L.R.O. 1990, chap. E.16, art. 6.

Exception

Liability of inspector

7. (1) No action or other proceeding for damages lies or shall be instituted against an inspector for an act or omission by him or her in good faith in the execution or intended execution of any power or duty under this Act or the regulations.

7. (1) Sont irrecevables les actions ou autres instances en dommages-intérêts intentées contre l'inspecteur pour des actes accomplis ou omissions commises de bonne foi par celui-ci dans l'exercice ou l'exercice prévu des pouvoirs ou fonctions que la présente loi ou les règlements lui confèrent.

Responsabilité de l'inspecteur

Liability of Crown

(2) Subsection (1) does not, by reason of subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an inspector to which it would otherwise be subject and the Crown is liable under that Act for any such tort in like manner as if subsection (1) had not been enacted. R.S.O. 1990, c. E.16, s. 7.

(2) Le paragraphe (1) n'a pas pour effet en raison des paragraphes 5 (2) et (4) de la *Loi sur les instances introduites contre la Couronne* de libérer la Couronne de sa responsabilité en ce qui a trait aux délits commis par un inspecteur et dont elle serait par ailleurs responsable. La Couronne est responsable de ce délit en application de cette loi comme si le paragraphe (1) n'avait pas été adopté. L.R.O. 1990, chap. E.16, art. 7.

Responsabilité de la Couronne

Directions by inspector where non-compliance

8. (1) Where an inspector finds that any provision of this Act or the regulations is being contravened, he or she may give to the person whom he or she believes to be the contravener, his or her supervisor or foreman or any of them, an order in writing directing compliance with such provision and may require the order to be carried out forthwith or within such time as he or she specifies.

8. (1) L'inspecteur qui conclut qu'il y a eu contravention à l'une des dispositions de la présente loi ou des règlements peut au moyen d'un ordre écrit, sommer le contrevenant, son surveillant ou son contremaître de se conformer à cette disposition et d'obtempérer sans délai ou dans le délai qu'il fixe.

Ordre de l'inspecteur en cas de violation de la loi

Idem

(2) Where an inspector gives an order under this section, the order shall contain sufficient information to specify the nature of the contravention.

(2) L'ordre donné par l'inspecteur en vertu du présent article contient suffisamment de renseignements pour permettre de préciser la nature de la contravention.

Idem

Affixing tags

(3) Where an inspector gives an order under this section and he or she considers that the contravention of this Act or the regulations may be a hazard to persons or property, the inspector,

(3) L'inspecteur qui donne un ordre en vertu du présent article et qui est d'avis que la contravention à la présente loi ou aux règlements peut présenter un danger pour les personnes ou les biens :

Apposition d'étiquettes

- (a) shall order that the appliance or work shall not be used until the order is complied with;
- (b) shall affix a tag in the prescribed form to the appliance or work and, subject to subsection (4), no person except an inspector shall remove the tag; and
- (c) shall notify in writing the owner or person in charge of the appliance or work and the handler of the affixing of the tag.

- a) interdit l'utilisation de l'appareil ou de l'ouvrage tant qu'il n'a pas été obtempéré à l'ordre;
- b) appose sur l'appareil ou l'ouvrage l'étiquette dans la forme prescrite, laquelle ne peut, sous réserve du paragraphe (4), être enlevée que par un inspecteur;
- c) avise par écrit le propriétaire de l'appareil ou de l'ouvrage ou la personne qui en a la garde, de même que le maintenanceur, de l'apposition de l'étiquette.

Removal of tags

(4) Where a tag has been affixed to the appliance or work, the tag shall not be removed except by a gas fitter, propane fitter or oil-burner mechanic certified under this Act and the regulations who has made the

(4) Seuls le monteur d'appareillages au gaz, le monteur d'appareillages au propane ou le mécanicien de brûleurs au mazout qui détient le certificat délivré en vertu de la présente loi et des règlements et qui a rendu l'appareil ou l'ouvrage conforme à la présente loi

Enlèvement de l'étiquette

appliance or work conform to or comply with this Act and the regulations.

Idem

(5) When the tag is removed by a gas fitter, propane fitter or oil-burner mechanic under subsection (4), the fitter or mechanic shall endorse his or her certificate number, name and address upon the tag and send it by pre-paid registered mail or deliver it to the inspector who affixed the tag.

Use of tagged appliance

(6) No person shall remove a hydrocarbon from or knowingly supply a hydrocarbon to an appliance or work to which a tag is attached, except a gas fitter, propane fitter or oil-burner mechanic certified under this Act and the regulations for the purpose of making the appliance or work conform to or comply with this Act and the regulations.

Idem

(7) No person shall use an appliance or work to which a tag is attached. R.S.O. 1990, c. E.16, s. 8 (1-7).

Appeal from inspector

(8) Any person who considers himself aggrieved by a decision or order of an inspector made under this section may appeal to the Director who shall hear and dispose of the appeal as promptly as is practicable but the bringing of such appeal does not affect the operation of the decision or order appealed from pending disposition of the appeal. R.S.O. 1990, c. E.16, s. 8 (8); 1993, c. 27, Sched.

Oral or written

(9) An appeal to the Director may be made in writing or orally or by telephone but the Director may require the grounds for appeal to be specified in writing before the appeal is heard.

Powers of Director

(10) On an appeal under this section, the Director may substitute his or her findings or opinion for those of the inspector who made the decision or order appealed from and may rescind or affirm the decision or order or make a new decision or order in substitution therefor and the decision or order of the Director shall stand in place of and have the like effect under this Act as the decision or order of the inspector. R.S.O. 1990, c. E.16, s. 8 (9, 10).

Dangerous accidents

9. Subject to the regulations, where it appears that carbon monoxide poisoning, asphyxiation, explosion or fire has occurred because of the use or handling of a hydrocarbon,

- (a) the handler shall forthwith notify an inspector of the occurrence by telephone, telegraph or other direct means; and

et aux règlements doit enlever l'étiquette apposée sur l'appareil ou l'ouvrage.

Idem

(5) Le monteur d'appareillages au gaz, le monteur d'appareillages au propane ou le mécanicien de brûleurs au mazout qui enlève une étiquette en vertu du paragraphe (4) inscrit ses nom, adresse et numéro de certificat au dos de l'étiquette et l'envoie par courrier recommandé affranchi à l'inspecteur qui a apposé l'étiquette ou la lui remet.

Utilisation d'appareils munis d'une étiquette

(6) À l'exclusion des monteuses d'appareillages au gaz, monteuses d'appareillages au propane et mécaniciens de brûleurs au mazout qui détiennent le certificat délivré en vertu de la présente loi et des règlements, nul ne doit retirer des hydrocarbures d'un appareil ou d'un ouvrage sur lequel est apposé une étiquette, ni sciemment alimenter en hydrocarbures l'appareil ou l'ouvrage, en vue de le rendre conforme à la présente loi et aux règlements.

Idem

(7) Nul ne doit utiliser l'appareil ou l'ouvrage sur lequel l'étiquette a été apposée. L.R.O. 1990, chap. E.16, par. 8 (1) à (7).

Appel de la décision des inspecteurs

(8) Quiconque s'estime lésé par la décision rendue ou l'ordre donné par un inspecteur en vertu du présent article peut interjeter appel devant le directeur qui entend et tranche l'appel dans les plus brefs délais. L'appel n'a toutefois aucune incidence sur l'exécution de la décision ou de l'ordre porté en appel, tant que le directeur n'a pas rendu sa décision. L.R.O. 1990, chap. E.16, par. 8 (8); 1993, chap. 27, annexe.

Procédures orales ou écrites en appel

(9) L'appel interjeté devant le directeur peut l'être sous forme écrite ou orale, ou par téléphone. Le directeur peut toutefois exiger que les motifs d'appel soient précisés par écrit avant d'entendre l'appel.

Pouvoirs du directeur

(10) Le directeur saisi de l'appel interjeté en vertu du présent article peut substituer ses conclusions et son opinion à celles de l'inspecteur dont la décision ou l'ordre est porté en appel. Celui-ci peut soit annuler ou confirmer la décision ou l'ordre ou soit y substituer un nouvel ordre ou une nouvelle décision. La décision ou l'ordre du directeur remplacent et ont, en vertu de la présente loi, le même effet que ceux de l'inspecteur. L.R.O. 1990, chap. E.16, par. 8 (9) et (10).

Accidents graves

9. Sous réserve des règlements, lorsqu'il appert qu'un empoisonnement à l'oxyde de carbone, une asphyxie, une explosion ou un incendie s'est produit en raison de l'utilisation ou de la manutention des hydrocarbures :

- a) le manutentionnaire doit signaler sans délai l'accident à un inspecteur par tout moyen de communication directe, notamment par téléphone ou télégraphe;

- (b) no person shall, except in the interests of public safety, saving life, relieving human suffering, continuity of service or preservation of property, interfere with or disturb any wreckage, article or thing at the scene of and connected with the occurrence, but in no case shall the wreckage, article or thing be carried away or destroyed by any person unless permission so to do is given by an inspector. R.S.O. 1990, c. E.16, s. 9.

- b) nul ne doit déranger ou déplacer les débris, articles ou objets se trouvant sur les lieux de l'accident et ayant un rapport avec celui-ci, sauf pour protéger le public, sauver une vie, secourir une personne souffrante, maintenir un service ou préserver un bien. Seules les personnes autorisées à cette fin par un inspecteur peuvent emporter ou détruire ces débris, articles ou objets. L.R.O. 1990, chap. E.16, art. 9.

Sale of
appliance
where
approval
required

10. Where the regulations require the approval of an appliance or any equipment or other thing employed or to be employed in the handling or use of a hydrocarbon, no person shall offer for sale, sell, lease, rent, buy or install the appliance or equipment or other thing unless it is approved. R.S.O. 1990, c. E.16, s. 10.

10. Nul ne doit mettre en vente, vendre, donner à bail, louer, acheter ni installer un appareil, du matériel ou un objet employé ou devant être employé pour la manutention ou l'utilisation des hydrocarbures sans que cet appareil, ce matériel ou cet objet aient été préalablement approuvés lorsque les règlements l'exigent. L.R.O. 1990, chap. E.16, art. 10.

Vente
d'appareils
soumise à
l'approbation

Installation,
etc., of
appliance

11. No person shall install, alter, repair, service or remove any appliance or any equipment or other thing employed or to be employed in the handling or use of a hydrocarbon except in accordance with the regulations. R.S.O. 1990, c. E.16, s. 11.

11. Nul ne doit installer, changer, réparer, entretenir ni enlever les appareils, du matériel ou des objets employés ou devant être employés pour la manutention ou l'utilisation des hydrocarbures sauf conformément aux règlements. L.R.O. 1990, chap. E.16, art. 11.

Installation
d'appareils

Handler's
licence

12. No person shall handle a hydrocarbon unless the person is the holder of a licence for that purpose. R.S.O. 1990, c. E.16, s. 12.

12. Nul ne doit manutentionner des hydrocarbures à moins d'être titulaire d'un permis délivré à cette fin. L.R.O. 1990, chap. E.16, art. 12.

Permis de
manuten-
tionnaire

Registration
of
contractors

13. No person shall be a contractor unless the person is registered for the purpose. R.S.O. 1990, c. E.16, s. 13.

13. Nul ne doit être entrepreneur à moins d'être inscrit à ce titre. L.R.O. 1990, chap. E.16, art. 13.

Inscription
des entrepre-
neurs

Installer's
certificate

14. (1) Subject to the regulations, no person shall install, alter, purge, activate, repair, service or remove any appliance or any equipment or other thing employed or to be employed in the handling or use of a hydrocarbon unless the person is the holder of a certificate for the purpose.

14. (1) Sous réserve des règlements, nul ne doit installer, changer, purger, actionner, réparer, entretenir ou enlever les appareils, le matériel ou les objets employés ou devant être employés pour la manutention ou l'utilisation des hydrocarbures à moins d'être titulaire d'un certificat délivré à cette fin.

Certificat

Exception

(2) Subsection (1) does not apply where the installing, altering, purging, activation, repair, service or removal is done by a person in the presence of a holder of the certificate referred to in subsection (1). R.S.O. 1990, c. E.16, s. 14.

(2) Le paragraphe (1) ne s'applique pas aux installations, changements, purges, actionnement, réparations, travaux d'entretien ou enlèvements effectués en présence du titulaire du certificat visé au paragraphe (1). L.R.O. 1990, chap. E.16, art. 14.

Exception

Notice
of initial
activation
of appliance

15. (1) No person shall initially activate an appliance that is to be supplied with a hydrocarbon by pipeline without first giving notice in writing to the distributor of the address of the premises at which the installation was made or is to be made and the type of appliance supplied or to be supplied.

15. (1) Nul ne doit actionner pour la première fois un appareil devant recevoir des hydrocarbures par pipeline avant que le distributeur n'ait été informé par écrit de l'adresse des locaux où les appareils ont été ou seront installés et du genre d'appareil fourni ou à fournir.

Avis d'ac-
tionnement
initial de
l'appareil

Examination
before initial
activation
of appliance

(2) Where premises are connected to a supply of hydrocarbon by pipeline for the first time, no person shall initially activate an appliance in the premises that is connected to the pipeline until the distributor of the hydrocarbon has examined the installation of the ap-

(2) Lorsque des locaux sont reliés pour la première fois à une source d'approvisionnement en hydrocarbures par pipeline, nul ne doit actionner une première fois les appareils se trouvant dans ces locaux, tant que le distributeur des hydrocarbures n'a pas examiné la

Examen
préalable à
l'actionne-
ment initial
de l'appareil

pliance and has accepted the installation and use as being in compliance with this Act and the regulations. R.S.O. 1990, c. E.16, s. 15.

façon dont ces appareils ont été installés et n'a pas reconnu l'installation et l'utilisation comme étant conformes à la présente loi et aux règlements. L.R.O. 1990, chap. E.16, art. 15.

Access by distributor

16. A distributor shall have access, at all reasonable times and upon reasonable notice, to all parts of every premises to which the distributor supplies a hydrocarbon by pipeline for the purpose of,

16. Le distributeur a accès, à toute heure raisonnable et moyennant un préavis suffisant, à toute partie de chacun des locaux qu'il approvisionne en hydrocarbures par pipeline, aux fins suivantes :

Droit d'accès des distributeurs

(a) examining any appliance in or on the premises and disconnecting the appliance if it, its installation or its use does not conform with this Act or the regulations; and

a) examiner les appareils s'y trouvant et les débrancher, si ces derniers, leur installation ou leur utilisation ne sont pas conformes à la présente loi ou aux règlements;

(b) placing, protecting, setting, shutting off, removing, repairing or altering any meter or regulator owned by the distributor in or on the premises. R.S.O. 1990, c. E.16, s. 16.

b) placer, protéger, régler, fermer, enlever, réparer ou changer les compteurs et régulateurs appartenant au distributeur et se trouvant sur les lieux. L.R.O. 1990, chap. E.16, art. 16.

Initial activation of pipeline

17. (1) No person shall activate a pipeline until it has been examined and accepted as being in accordance with the regulations.

17. (1) Nul ne doit actionner un pipeline tant que celui-ci n'a pas été examiné, accepté et jugé conforme aux règlements.

Actionnement initial des pipelines

Idem

(2) The examination and acceptance required by subsection (1) shall be made by a person who holds a certificate as a pipeline inspector issued under the regulations. R.S.O. 1990, c. E.16, s. 17.

(2) L'examen et l'acceptation prévus au paragraphe (1) sont effectués par le titulaire d'un certificat délivré en vertu des règlements et attestant sa qualité d'inspecteur de pipelines. L.R.O. 1990, chap. E.16, art. 17.

Idem

Duty to inquire before excavation

18. (1) No person shall dig, bore, trench, grade, excavate or break ground with mechanical equipment or explosives without first ascertaining the location of any pipeline that may be interfered with.

18. (1) Nul ne doit creuser, forer, niveler, excaver ni défoncer le sol avec de l'équipement mécanique ou des explosifs sans s'être d'abord enquis de l'emplacement de tout pipeline dont le fonctionnement est susceptible d'être entravé par ces travaux.

Obligation de s'informer avant d'excaver

Duty to provide information

(2) Where the owner of a pipeline is requested by any person about to dig, bore, trench, grade, excavate or break ground with mechanical equipment or explosives to give the location of a pipeline for the purpose of subsection (1), the owner shall within a reasonable time of the receipt of the request and having regard to all the circumstances of the case, furnish reasonable information as to the location of the pipeline. R.S.O. 1990, c. E.16, s. 18.

(2) Le propriétaire d'un pipeline à qui une personne qui s'apprête à creuser, forer, niveler, excaver ou défoncer le sol avec de l'équipement mécanique ou des explosifs demande, pour l'application du paragraphe (1), de lui indiquer l'emplacement d'un pipeline, lui fournit, dans un délai raisonnable et en tenant compte des circonstances, les renseignements suffisants relativement à l'emplacement du pipeline. L.R.O. 1990, chap. E.16, art. 18.

Obligation de renseigner

Interference with pipeline

19. No person shall interfere with or damage any pipeline without authority to do so. R.S.O. 1990, c. E.16, s. 19.

19. Sauf autorisation contraire, nul ne doit entraver le fonctionnement d'un pipeline ni l'endommager. L.R.O. 1990, chap. E.16, art. 19.

Entrave au fonctionnement d'un pipeline

Duty of employer to obtain compliance

20. (1) Every person who installs, removes, repairs, alters or services appliances or works shall instruct the person's employees to comply with this Act and the regulations.

20. (1) Quiconque installe, enlève, répare, change ou entretient des appareils ou des ouvrages doit donner ordre à ses employés de se conformer à la présente loi et aux règlements.

Obligation de l'employeur de veiller au respect de la loi

Idem

(2) Every person who installs, removes, repairs, alters or services appliances or works shall take every precaution reasonable in the circumstances to ensure that the person's employees comply with this Act and the regulations. R.S.O. 1990, c. E.16, s. 20.

(2) Quiconque installe, enlève, répare, change ou entretient des appareils ou des ouvrages doit prendre toutes les précautions possibles dans les circonstances afin de s'assurer que ses employés se conforment à la présente loi et aux règlements. L.R.O. 1990, chap. E.16, art. 20.

Idem

Order
for priority
of use

21. (1) Despite anything in this or any other Act, or in any contract for the supply of natural gas made between a distributor and a consumer, where the supply of natural gas to a distributor is interrupted or curtailed, the Minister may order a distributor to halt or reduce the supply of natural gas to a consumer or a class or classes of consumers if he or she considers it advisable in the circumstances.

Compliance

(2) Every person to whom such an order is directed shall comply therewith in accordance with its terms. R.S.O. 1990, c. E.16, s. 21.

Issuance
of licences,
certificates
and
registration

22. (1) A licence, certificate or registration shall be issued or made by the Director and is subject to such terms and conditions as are therein contained or as prescribed by the regulations.

Refusal,
suspension
or revocation

(2) The Director may refuse to grant or renew or may suspend or revoke a licence, certificate or registration where,

- (a) the applicant or holder has contravened this Act or the regulations; or
- (b) there are reasonable grounds for believing that the applicant or holder is without capacity or not competent or lacks reasonable skill. R.S.O. 1990, c. E.16, s. 22.

Notice
of proposed
refusal
or revocation

23. (1) Where the Director proposes to refuse to grant or to refuse to renew or to suspend or revoke a licence, certificate or registration he or she shall serve notice of his or her proposal, together with written reasons therefor, on the applicant or holder of the licence, certificate or registration.

Idem

(2) A notice under subsection (1) shall inform the applicant or holder of the licence, certificate or registration that the applicant or holder is entitled to a hearing by a judge of the Ontario Court (General Division) if the applicant or holder applies to a judge within fifteen days after the notice under subsection (1) is served.

Powers
of Director
where
no hearing

(3) Where an applicant or holder of a licence, certificate or registration does not apply to a judge for a hearing in accordance with subsection (2), the Director may refuse to grant a licence, certificate or registration, or carry out the proposal stated in the notice under subsection (1).

21. (1) Malgré toute disposition contraire de la présente loi ou d'une autre loi et malgré tout contrat d'approvisionnement en gaz naturel conclu entre un distributeur et un consommateur, le ministre peut, s'il le juge à propos dans les circonstances, ordonner à tout distributeur d'interrompre ou de réduire l'approvisionnement en gaz naturel d'un consommateur ou d'une ou de plusieurs catégories de consommateurs, lorsqu'il y a interruption ou diminution de l'approvisionnement en gaz naturel à l'égard d'un distributeur.

(2) Les personnes visées par l'arrêté en respectent les modalités. L.R.O. 1990, chap. E.16, art. 21.

22. (1) Les permis et certificats sont délivrés et les inscriptions sont faites par le directeur. Ceux-ci sont subordonnés aux conditions qu'ils comportent ou que prescrivent les règlements.

(2) Le directeur peut, soit ne pas accorder ou ne pas renouveler un permis, un certificat ou une inscription, soit suspendre ou annuler ceux-ci dans l'un des cas suivants :

- a) l'auteur de la demande ou le titulaire a contrevenu à la présente loi ou aux règlements;
- b) il existe des motifs raisonnables de croire que l'auteur de la demande ou le titulaire n'a pas la capacité, la qualité ou les aptitudes voulues. L.R.O. 1990, chap. E.16, art. 22.

23. (1) Lorsque le directeur se propose soit de ne pas accorder ou renouveler un permis, un certificat ou une inscription, soit de suspendre ou d'annuler ceux-ci, il signifie un avis écrit motivé de son intention à l'auteur de la demande ou au titulaire du permis, du certificat ou de l'inscription.

(2) L'avis visé au paragraphe (1) informe l'auteur de la demande ou le titulaire du permis, du certificat ou de l'inscription, de son droit à la tenue d'une audience par un juge de la Cour de l'Ontario (Division générale), s'il lui en fait la demande par voie de requête dans les quinze jours de la signification de l'avis.

(3) Lorsque l'auteur de la demande ou le titulaire du permis, du certificat ou de l'inscription ne demande pas par voie de requête la tenue de l'audience prévue au paragraphe (2), le directeur peut refuser d'accorder le permis, le certificat ou l'inscription ou donner suite à l'intention formulée dans l'avis visé au paragraphe (1).

Ordre de
priorité de
l'approvi-
sionnement

Acquiesce-
ment

Délivrance
de permis, de
certificats et
inscription

Pouvoir de
refuser, de
suspendre
et d'annuler

Avis de
l'intention
de refus ou
d'annulation

Idem

Pouvoirs
du directeur
en cas
d'absence
d'audience

Powers of
judge where
hearing

(4) Upon the application of the Director at the hearing, the judge may by order require the Director to grant the licence, certificate or registration, or permit him or her to carry out his or her proposal, or direct that such action as the judge considers proper be taken by the Director in accordance with this Act and the regulations and for such purposes the judge may substitute his or her opinion for that of the Director.

(4) À la requête du directeur présentée à l'audience, le juge peut rendre une ordonnance enjoignant au directeur de prendre toute mesure qu'il estime opportune conformément à la présente loi et aux règlements, notamment d'accorder le permis, le certificat ou l'inscription ou l'autoriser à donner suite à son intention. Le juge peut à cette fin substituer son opinion à celle du directeur.

Pouvoirs
du juge s'il y
a audience

Service
of notice

(5) The Director may serve notice under subsection (1) personally or by registered mail addressed to the applicant or the holder of the licence, certificate or registration at the address of the applicant or holder last known to the Director and where notice is served by registered mail the notice shall be deemed to have been served on the third day after the day of mailing unless the person to whom notice is being given establishes to the judge to whom the person applies for a hearing that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control receive the notice or order until a later date.

(5) Le directeur peut signifier l'avis visé au paragraphe (1) à personne ou par courrier recommandé à l'auteur de la demande ou au titulaire du permis, du certificat ou de l'inscription, à sa dernière adresse connue. Lorsque l'avis est signifié par courrier recommandé, il est réputé avoir été signifié le troisième jour qui suit la date de sa mise à la poste, sauf si le destinataire démontre au juge à qui il demande par voie de requête une audience qu'il a reçu l'avis ou l'ordonnance à une date ultérieure en toute bonne foi, pour des raisons indépendantes de sa volonté, notamment son absence, un accident ou la maladie.

Signification
de l'avis

Extension
of time for
application

(6) A judge to whom application is made by an applicant or the holder of a licence, certificate or registration for a hearing under this section may extend the time for making the application, either before or after expiration of the time fixed therein, where he or she is satisfied that there are apparent grounds for granting relief to the applicant or the holder of a licence, certificate or registration pursuant to a hearing and that there are reasonable grounds for applying for the extension, and may give such directions as he or she considers proper consequent upon the extension.

(6) Le juge à qui l'auteur de la demande ou le titulaire du permis, du certificat ou de l'inscription demande par voie de requête une audience en vertu du présent article, peut proroger le délai de présentation de la requête, que celui-ci soit déjà expiré ou non, lorsqu'il estime qu'il existe à première vue des motifs d'accorder un redressement à l'auteur de la demande ou au titulaire du permis, du certificat ou de l'inscription, à la suite d'une audience et que la requête en prorogation est fondée sur des motifs raisonnables. Le juge peut en outre donner les directives qu'il juge appropriées à la suite de la prorogation.

Prorogation
du délai pour
présenter
la demande

Continuation
pending
renewal

(7) Where, within the time prescribed therefor or, if no time is prescribed, prior to the expiry of the licence, certificate or registration a holder of a licence, certificate or registration has applied for renewal of the licence, certificate or registration and paid the prescribed fee, the licence, certificate or registration shall be deemed to continue,

(7) Le permis, le certificat ou l'inscription du titulaire qui en a acquitté les droits et en a demandé le renouvellement dans le délai imparti ou, en l'absence de délai de renouvellement, avant son expiration, est présumé maintenu :

Maintien
jusqu'au
renouvelle-
ment

- (a) until the renewal is granted; or
- (b) where the holder is served with notice that the Director proposes to refuse to grant the renewal, until the time for applying for a hearing by a judge has expired and, where a hearing is applied for, until the judge has made his or her decision. R.S.O. 1990, c. E.16, s. 23.

- a) soit jusqu'au renouvellement;
- b) soit, lorsque le directeur lui a signifié un avis de son intention de refuser le renouvellement, jusqu'à l'expiration du délai imparti pour demander par voie de requête une audience à un juge et le cas échéant, jusqu'à ce que celui-ci ait rendu sa décision relativement à la requête. L.R.O. 1990, chap. E.16, art. 23.

Parties

24. (1) The Director, the applicant, the holder of the licence, certificate or registration who has applied for the hearing and such other persons as are specified by the judge are

24. (1) Le directeur, l'auteur de la demande ou le titulaire du permis, du certificat ou de l'inscription qui a demandé, par voie de requête, une audience, de même que les autres

Parties

parties to the proceedings before a judge under section 23.

Opportunity to achieve compliance

(2) Notice of a hearing under section 23 shall afford to the holder of a licence, certificate or registration a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the retention of the licence, certificate or registration.

Examination of documentary evidence

(3) An applicant or holder of a licence, certificate or registration who is a party to proceedings under section 23 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Findings of fact

(4) The findings of fact of a judge pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of the *Statutory Powers Procedure Act*. R.S.O. 1990, c. E.16, s. 24.

Appeal to Divisional Court

25. (1) Any party to proceedings before a judge under section 23 may appeal from the decision or order of the judge to the Divisional Court in accordance with the rules of court.

Record to be filed

(2) Where notice of an appeal is served under this section, the judge shall forthwith file in the Divisional Court the record of the proceedings before him or her in which the decision or order was made, which, together with the transcript of the evidence before the judge if it is not part of the record of the judge, shall constitute the record in the appeal.

Minister entitled to be heard

(3) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section.

Powers of court on appeal

(4) The Divisional Court may, on the appeal, affirm the decision of the judge appealed from or may rescind it and make such new decision as the court considers proper under this Act and the regulations and may order the Director to do any act or thing he or she is authorized to do under this Act and as the court considers proper and for such purpose the court may substitute its opinion for that of the Director or of the judge, or the court may refer the matter back to the judge for rehearing, in whole or in part, in accordance with such directions as the court considers proper. R.S.O. 1990, c. E.16, s. 25.

Interim suspension pending final decision

26. Despite section 22, the Director by notice to the holder of a licence, certificate or

personnes que précise le juge, sont parties à l'instance prévue à l'article 23.

Possibilité de se conformer

(2) L'avis d'audience visé à l'article 23 accorde au titulaire du permis, du certificat ou de l'inscription un délai suffisant aux fins de lui permettre de remplir ou de démontrer qu'il a rempli antérieurement à l'audience les conditions auxquelles la loi subordonne la conservation du permis, du certificat ou de l'inscription.

Examen de la preuve documentaire

(3) Il est donné à l'auteur de la demande ou au titulaire du permis, du certificat ou de l'inscription qui est partie à l'instance visée à l'article 23 l'occasion d'examiner antérieurement à l'audience la preuve écrite ou documentaire qui y sera produite, de même que les rapports dont le contenu sera produit comme preuve à l'audience.

Conclusions de fait

(4) Le juge, à l'issue de l'audience, fonde ses conclusions de fait uniquement sur des éléments de preuve admissibles ou sur des faits dont il peut prendre connaissance en vertu des articles 15 et 16 de la *Loi sur l'exercice des compétences légales*. L.R.O. 1990, chap. E.16, art. 24.

Appel devant la Cour divisionnaire

25. (1) Les parties à l'instance devant le juge en vertu de l'article 23 peuvent interjeter appel de la décision ou de l'ordonnance du juge devant la Cour divisionnaire conformément aux règles de pratique.

Dépôt du dossier

(2) Lorsqu'un avis d'appel est signifié en vertu du présent article, le juge dépose sans délai auprès de la Cour divisionnaire le dossier de l'instance qui s'est déroulée devant lui et qui a donné lieu à la décision ou à l'ordonnance. Ce dossier auquel s'ajoute, si elle ne s'y trouve pas déjà, la transcription des témoignages recueillis par le juge constitue le dossier d'appel.

Droit du ministre d'être entendu

(3) Le ministre a le droit d'être entendu, par l'intermédiaire d'un avocat ou autrement, lors de la plaidoirie en appel sous le régime du présent article.

Pouvoirs du tribunal lors de l'appel

(4) La Cour divisionnaire saisie de l'appel peut confirmer ou annuler la décision portée en appel et rendre la décision qu'elle juge pertinente et conforme à la présente loi et aux règlements. Elle peut ordonner au directeur de prendre toute mesure que lui permet la présente loi. Elle peut, à cette fin et si elle le juge pertinent, substituer son opinion à celle du directeur ou du juge. Elle peut de même renvoyer l'affaire devant le juge pour une nouvelle audience, en tout ou en partie, conformément aux directives qu'elle estime pertinentes. L.R.O. 1990, chap. E.16, art. 25.

Suspension temporaire

26. Malgré l'article 22, le directeur, lorsqu'il estime que la protection immédiate

registration and without a hearing may provisionally refuse to renew or suspend the holder's licence, certificate or registration where in the Director's opinion it is necessary to do so for the immediate protection of any person or the public and the Director so states in such notice giving his or her reasons therefor, and thereafter section 23 applies as if the notice given under this section were a notice of a proposal to revoke the licence, certificate or registration under section 22. R.S.O. 1990, c. E.16, s. 26.

du public ou d'un particulier l'exige, peut, par avis motivé donné à son titulaire où il cite ce fait, et sans tenir d'audience, provisoirement refuser de renouveler ou suspendre un permis, un certificat ou une inscription. L'article 23 s'applique alors de la même façon que s'il s'agissait d'un avis de l'intention d'annuler un permis, un certificat ou une inscription donné en vertu de l'article 22. L.R.O. 1990, chap. E.16, art. 26.

Offences

27. (1) Every person who,

- (a) contravenes or fails to comply with this Act or the regulations;
- (b) knowingly makes a false statement in any document required by the regulations;
- (c) contravenes or fails to comply with a term or condition of a licence, certificate or registration;
- (d) contravenes or fails to comply with an order of an inspector given under section 8; or
- (e) contravenes or fails to comply with an order of the Minister made under section 21,

is guilty of an offence and on conviction is liable to a fine of not more than \$25,000 or to imprisonment for a term of not more than one year, or to both, or, if the person is a body corporate, to a fine of not more than \$100,000. R.S.O. 1990, c. E.16, s. 27.

27. (1) Est coupable d'une infraction et passible, sur déclaration de culpabilité, d'une amende d'au plus 25 000 \$ et d'une peine d'emprisonnement d'au plus un an, ou d'une seule de ces peines, ou, s'il s'agit d'une personne morale, est passible d'une amende d'au plus 100 000 \$, quiconque :

- a) contrevient à la présente loi ou aux règlements ou omet de s'y conformer;
- b) fait sciemment une fausse déclaration dans un document exigé par les règlements;
- c) contrevient aux conditions d'un permis, d'un certificat ou d'une inscription ou omet de s'y conformer;
- d) contrevient à un ordre donné par l'inspecteur en vertu de l'article 8 ou omet de s'y conformer;
- e) contrevient à l'arrêté du ministre pris en vertu de l'article 21 ou omet de s'y conformer. L.R.O. 1990, chap. E.16, art. 27.

Infractions

Time limit

(2) No proceeding in respect of an alleged offence under this Act may be commenced after two years following the date on which the facts that gave rise to the alleged offence were discovered. 1996, c. 19, s. 20.

(2) Aucune instance ne peut être introduite à l'égard d'une prétendue infraction à la présente loi plus de deux ans à compter de la date à laquelle il a été pris connaissance des faits sur lesquels la prétendue infraction est fondée. 1996, chap. 19, art. 20.

Délai de prescription

Regulations

28. (1) The Lieutenant Governor in Council may make regulations for the handling and use of hydrocarbons and, in particular and without limiting the generality of the foregoing, may make regulations,

- (a) regulating the installation, filling, testing, maintenance, repair, removal, replacement, inspection and use of appliances or works and the handling and use of hydrocarbons;
- (b) requiring and providing for the approval of design and construction standards for appliances and works;
- (c) designating organizations to test appliances to the standards approved

28. (1) Le lieutenant-gouverneur en conseil peut, par règlement, régir la manutention et l'utilisation des hydrocarbures, et notamment :

- a) réglementer l'installation, le remplissage, la mise à l'épreuve, l'entretien, la réparation, l'enlèvement, le remplacement, l'inspection et l'utilisation des appareils ou des ouvrages et la manutention et l'utilisation des hydrocarbures;
- b) exiger et prévoir l'approbation de normes de conception et de fabrication pour les appareils et les ouvrages;
- c) désigner des organismes chargés de mettre à l'épreuve les appareils en fonc-

Règlements

under the regulations and providing for the placing of the label of such organization on the appliances and works that conform to the standards;

- (d) prohibiting the sale, purchase, renting and use of an appliance that does not bear the label of a testing organization or of the Ministry;
- (e) requiring the reporting of accidents;
- (f) requiring safety procedures to be filed by distributors and for the approval thereof by the Director and compliance therewith by distributors;
- (g) requiring owners of pipelines to develop procedures for locating pipelines and providing for the approval of such procedures by the Director;
- (h) providing for the registration of contractors and providing for the expiry and renewal of registration;
- (i) providing for the issue, expiry and renewal of licences, certificates or labels and prescribing terms and conditions upon which licences, certificates or labels may be issued or renewed;
- (j) prescribing the fees to be paid for the inspection of pipelines or appliances and prescribing by whom the fees shall be paid;
- (k) prescribing the fee payable for any application, examination, certificate, licence, label, registration, or renewal thereof;
- (l) prescribing the qualifications for persons who may be registered as contractors and for their employees;
- (m) providing for and requiring the keeping of records and plans and the making of affidavits, returns, statements or reports on the handling or use of a hydrocarbon;
- (n) exempting any person or any class of persons, and any appliance or work or any class of them from compliance with this Act and the regulations or of any of the provisions thereof;
- (o) designating persons or classes of persons empowered to administer any code or standard adopted under subsection (2) and delegating to the designated persons or classes the authority to administer any code or standard adopted;

tion des normes approuvées en vertu des règlements et prévoir l'apposition de l'étiquette de ces organismes sur les appareils et ouvrages jugés conformes aux normes;

- d) prohiber la vente, l'achat, la location et l'utilisation des appareils qui ne portent pas l'étiquette des organismes chargés de les mettre à l'épreuve ou celle du ministère;
- e) exiger un rapport des accidents;
- f) enjoindre aux distributeurs de déposer des règles de sécurité, pour l'approbation du directeur et obliger les distributeurs à s'y conformer;
- g) enjoindre aux propriétaires de pipelines de mettre au point des procédés de localisation des pipelines et prévoir leur approbation par le directeur;
- h) prévoir l'inscription des entrepreneurs, ainsi que la conduite et le renouvellement de ces inscriptions;
- i) pourvoir à la délivrance, à la conduite et au renouvellement des permis, certificats et étiquettes et prescrire les conditions de leur délivrance et de leur renouvellement;
- j) prescrire les droits à verser en contrepartie de l'inspection des pipelines et appareils et les personnes qui doivent les acquitter;
- k) prescrire les droits à verser en contrepartie des demandes, examens, certificats, permis, étiquettes et inscriptions ou de leur renouvellement;
- l) prescrire les qualités requises des personnes qui peuvent être inscrites comme entrepreneurs et de leurs employés;
- m) prévoir et exiger la conservation de dossiers et de plans, de même que la rédaction d'affidavits, de déclarations, d'exposés ou de rapports relatifs à la manutention ou à l'utilisation des hydrocarbures;
- n) soustraire toute personne ou catégorie de personnes, tout appareil, ouvrage ou toute catégorie d'entre eux à l'obligation d'être conforme aux dispositions de la présente loi et des règlements;
- o) désigner les personnes ou catégories de personnes habilitées à appliquer un code ou une norme adoptés en vertu du paragraphe (2) et déléguer aux personnes ou catégories de personnes désignées, le pouvoir d'appliquer le code ou la norme ainsi adoptés;

(p) for any matter provided in this Act to be done by regulation. R.S.O. 1990, c. E.16, s. 28 (1); 1994, c. 27, s. 81 (5).

(2) REPEALED: 1994, c. 27, s. 81 (6).

Limited
application
of
regulations

(3) A regulation may be general or particular in its application. R.S.O. 1990, c. E.16, s. 28 (3).

(4), (5) REPEALED: 1994, c. 27, s. 81 (6).

Municipal
by-laws

29. This Act and the regulations prevail over any municipal by-law. R.S.O. 1990, c. E.16, s. 29.

p) régler les questions qui, aux termes de la présente loi, peuvent faire l'objet d'un règlement. L.R.O. 1990, chap. E.16, par. 28 (1); 1994, chap. 27, par. 81 (5).

(2) ABROGÉ : 1994, chap. 27, par. 81 (6).

(3) Les règlements peuvent être d'application générale ou particulière. L.R.O. 1990, chap. E.16, par. 28 (3).

(4) et (5) ABROGÉS : 1994, chap. 27, par. 81 (6).

29. La présente loi et les règlements l'emportent sur tout règlement municipal. L.R.O. 1990, chap. E.16, art. 29.

Application
limitative
des
règlements

Règlements
municipaux

Energy Act Loi sur les hydrocarbures

ONTARIO REGULATION 348/96

Amended to O. Reg. 594/99

CERTIFICATES

APPLICATIONS

1. (1) A person may apply to the Director for a certificate designating the person as one or more of the following:

1. A gas technician 1 (a "G.1 certificate").
2. A gas technician 2 (a "G.2 certificate").
3. A gas technician 3 (a "G.3 certificate").
4. A gas piping fitter (a "GP certificate").
5. A liquid propane fitter (an "LP certificate").
6. An internal combustion alternate fuel technician (an "ICE certificate").
7. An internal combustion alternate fuel technician—industrial vehicles (an "ICE-IV certificate").
8. A domestic appliance technician (a "DA certificate").
9. An industrial maintenance gas technician (an "IMT certificate").
10. A gas pipeline inspector (a "GPI" certificate).
11. A refuelling station installer-natural gas vehicle (a "RSI-NG certificate").
12.
15. An oil burner technician 1 (an "OBT-1 certificate").
16. An oil burner technician 2 (an "OBT-2 certificate").
17. An oil burner technician 3 (an "OBT-3 certificate").
18. An oil pipeline inspector (an "OPI certificate"). O. Reg. 348/96, s. 1 (1); O. Reg. 158/97, s. 1.

(2) A person may apply to the Director to add one or more designations to his or her certificate.

(3) An application must be accompanied by a \$50 application fee.

(4) A professional engineer within the meaning of the *Professional Engineers Act* shall be deemed to hold an OPI certificate. O. Reg. 348/96, s. 1 (2-4).

2. (1) An application to renew a certificate must be made to the Director and must be accompanied by a \$50 application fee.

(2) An application for renewal may be made before the applicant's certificate expires or within one year after it has expired.

(3) An application for renewal must include a completed declaration of work experience, in a format acceptable to the Director, indicating

that the applicant worked within the scope of the certificate while it was in effect.

(4) No application may be made to renew a G.3 or OBT-3 certificate. However, a new application may be made for a G.3 or OBT-3 certificate. O. Reg. 348/96, s. 2.

3. (0.1) Subsections (1) to (5) apply with respect to all of the certificates referred to in subsection 1 (1), except the RSI-NG certificate with respect to which subsections (6) and (7) apply. O. Reg. 158/97, s. 2.

(1) An applicant for a certificate must have successfully completed a program approved by the Director that is delivered by a training organization approved by the Director for each designation sought by the applicant.

(2) The applicant is not required to comply with subsection (1) if the Director is satisfied that the applicant possesses the necessary knowledge and competence with respect to each designation sought by the applicant.

(3) The applicant must have successfully completed an examination or a series of examinations, conducted or approved by the Director, demonstrating that the applicant possesses the necessary knowledge and competence for each designation sought by the applicant.

(4) If the applicant fails the examination or series of examinations on three successive attempts, the applicant must successfully complete the program described in subsection (1) after making the unsuccessful attempts and before taking the examination or series of examinations again, and subsection (2) does not apply.

(5) If the applicant fails the examination or series of examinations for one designation, he or she is not entitled to take the examination or series of examinations for the same designation until,

- (a) he or she makes a new application for the designation; and
- (b) 30 days have passed since the applicant took the examination or series of examinations. O. Reg. 348/96, s. 3.

(6) An applicant for a RSI-NG certificate must have successfully completed training in the installation, maintenance and repair of refuelling stations provided by a natural gas utility or a refuelling station manufacturer approved by the Director.

(7) The applicant for a certificate under subsection (6) must submit to the Director documentary evidence of the completed training satisfactory to the Director. O. Reg. 158/97, s. 2.

4. An applicant for a G.1 certificate must meet the following additional requirements:

1. The applicant must hold a G.2 certificate when he or she applies
2. The applicant must have worked as a gas technician 2 within the scope of a G.2 certificate for at least two years or 4,000 hours. The applicant must have worked at least 500 hours on systems with an input greater than 400,000 Btu/h, under the supervision of a person with a G.1 certificate.
3. The applicant must submit a completed declaration of work experience in a format acceptable to the Director. The declaration must detail the nature of the experience the applicant acquired as a G.2 certificate holder during the period described in paragraph 2. O. Reg. 348/96, s. 4.

5. An applicant for a G.2, GP or DA certificate must meet the following additional requirements:

1. The applicant must hold a G.3 certificate when he or she applies.
2. The applicant must have enrolled in the program referred to in subsection 3 (1) before the expiry of his or her G.3 certificate or must have asked the Director before that expiry to determine whether subsection 3 (2) applies to the applicant. O. Reg. 348/96, s. 5.

6. (1) An applicant for an IMT certificate must meet the following additional requirements:

1. When he or she applies, the applicant must hold a G.3 certificate or a certificate of qualification as a first, second or third class stationary engineer under the *Operating Engineers Act*.
2. The applicant must have been trained by his or her employer or by the manufacturer with respect to the systems being maintained and serviced.
3. The applicant must have enrolled in the program referred to in subsection 3 (1) before the expiry of his or her G.3 certificate or must have asked the Director before that expiry to determine whether subsection 3 (2) applies to the applicant.

(2) The employer of a prospective applicant for an IMT certificate shall maintain records of the training referred to in paragraph 2 of subsection (1) given to the applicant and, upon request, shall give a copy of them to the Director. O. Reg. 348/96, s. 6.

7. An applicant for an LP certificate must hold a G.1, G.2, GP or IMT certificate when he or she applies. O. Reg. 348/96, s. 7.

8. (1) An applicant for an ICE certificate must meet the following additional requirements:

1. The applicant must hold a certificate of qualification under the *Apprenticeship and Certification Act, 1998* as an automotive service technician, a truck and coach technician, a heavy duty equipment mechanic, a fuel and electrical systems technician or a farm equipment mechanic when he or she applies.

2. The applicant must have successfully completed a training program approved by the Director on propane carburation systems and natural gas carburation systems. O. Reg. 348/96, s. 8 (1); O. Reg. 594/99, s. 1.

(2) An applicant for an ICE-IV certificate must have successfully completed a training program approved by the Director on propane carburation systems and natural gas carburation systems.

(3) An applicant for an ICE or ICE-IV certificate who has successfully completed a training program on propane carburation systems only may be issued a certificate with the additional designation "P". The holder of such a certificate is entitled to carry out work on propane appliances and systems only.

(4) An applicant for an ICE or ICE-IV certificate who has successfully completed a training program in natural gas carburation systems only may be issued a certificate with the additional designation "NG". The holder of such a certificate is entitled to carry out work on natural gas appliances and systems only. O. Reg. 348/96, s. 8 (2-4).

9. An applicant for an OBT-1 certificate must meet the following additional requirements:

1. The applicant must hold an OBT-2 or an IMT certificate when he or she applies.

2. The applicant must have worked for at least 4,000 hours either as an oil burner technician 2 or as an industrial maintenance gas technician. The applicant must have worked at least 500 hours on oil-fired systems with an input greater than 7 U.S. gallons per hour, under the supervision of a person with an OBT-1 certificate. O. Reg. 348/96, s. 9; O. Reg. 158/97, s. 3.

10. An applicant for an OBT-2 certificate must hold an OBT-3 certificate when he or she applies. O. Reg. 348/96, s. 10.

TERMS OF CERTIFICATE

11. A certificate is not transferable. O. Reg. 348/96, s. 11.

12. (1) A certificate expires on the second anniversary of the holder's date of birth after it is issued.

(2) Despite subsection (1), a G.3 or OBT-3 certificate expires three years after the date on which it is issued.

(3) If a designation is added to a certificate after the certificate is issued, the expiry date of the certificate does not change. However, if a designation is added to a G.3 or OBT-3 certificate that has no other designations, the new designation expires on the second anniversary of the holder's date of birth after it is added.

(4) A certificate that is renewed expires two years after the date on which the previous certificate expires. O. Reg. 348/96, s. 12.

13. A person who holds a certificate shall notify the Director within six days after any change in his or her address. O. Reg. 348/96, s. 13.

SCOPE OF CERTIFICATE

14. (1) A person who holds a G.1 certificate may install, inspect, alter, purge, activate, repair, service or remove a natural gas or propane appliance and the equipment and accessories essential to its operation. O. Reg. 348/96, s. 14 (1).

(2) When performing a function described in subsection (1), the person may do what a person who holds a G.2, G.3, GP, IMT or DA certificate may do and may do the following:

1. Install, inspect, test, alter, purge, activate, repair, service or remove any piping or tubing, or component in a piping or tubing system, to an appliance downstream of the natural gas meter or propane vapour service valve.
2. Install, inspect, alter, repair, service or remove any vent, vent connector, draft control device or other component in an appliance venting system.
3. Disconnect and reconnect not more than 5 feet of water piping, measured horizontally, in order to exchange, service or install an approved appliance and carry out the replacement necessary to complete the reconnection of controls and components forming part of the appliance. However, the person shall not perform any work beyond the gas-side unless he or she holds a certificate of qualification as a plumber or steamfitter issued under the *Trades Qualification and Apprenticeship Act*.
4. Maintain, service or replace a mechanical or electrical component or accessory forming part of an appliance or essential to its operation.
5. Perform the tasks that are necessary to replace controls and components forming part of an appliance, other than replacing a low water cut-off.
6. Install, service, remove or replace components and accessories forming part of the gas-side of a refrigerating or air-conditioning

unit. However, the person shall not perform any work beyond the gas-side unless he or she holds a certificate of qualification as a refrigeration and air-conditioning mechanic issued under the *Trades Qualification and Apprenticeship Act*.

7. Install, repair, service and maintain electrical wiring for natural gas or propane-fired appliances from an existing branch circuit containing over current protection. However, the person shall not run wiring back to the panel or perform any other type of electrical work related to the wiring of the appliance unless he or she holds a certificate of qualification as an electrician issued under the *Trades Qualification and Apprenticeship Act*.

8. Service and replace electrical switches, fuses and components that are directly related to the operation of an appliance.

9. Install, repair, service, remove or replace the plenum connection or components forming part of the plenum connection in order to complete the installation of a natural gas or propane appliance. However, the person shall not perform any sheet metal work beyond the plenum connection unless he or she holds a certificate of qualification as a sheet metal worker issued under the *Trades Qualification and Apprenticeship Act*. O. Reg. 348/96, s. 14 (2); O. Reg. 158/97, s. 4.

15. (1) A person who holds a G.2 certificate may install, alter, purge, activate, repair, service or remove a natural gas or propane appliance that has an input of 400,000 Btuh or less and the equipment and accessories essential to its operation. O. Reg. 348/96, s. 15 (1).

(2) When performing a function described in subsection (1), the person may do the following:

1. Perform the functions described in paragraphs 1 to 9 of subsection 14 (2) that the holder of a G.1 certificate may perform.
2. Perform all of the functions that the holder of a G.3, GP or DA certificate may perform. O. Reg. 348/96, s. 15 (2); O. Reg. 158/97, s. 5.

16. (1) A person who holds a G.3 certificate may, under the supervision of a person who holds a G.1 or G.2 certificate, purge and install piping or tubing and reactivate previously-installed or newly-converted appliances. However, he or she shall not activate the appliances for the first time.

(2) The G.1 or G.2 certificate holder is responsible for the work carried out by the G.3 certificate holder who is under his or her supervision.

(3) When performing a function described in subsection (1), the person may do the following:

1. Install, test, reactivate or remove any piping or tubing or a component in a piping or tubing system to an appliance downstream of the natural gas meter or propane vapour service valve up to the appliance shut-off valve.
2. Disconnect and reconnect no more than 5 feet of water piping, measured horizontally, in order to exchange or install an appliance.
3. Install, service, convert or activate a natural gas or propane appliance with an input of 400,000 Btuh or less under the supervision of person who holds a G.1, G.2, IMT or DA certificate. O. Reg. 348/96, s. 16.

17. (1) A person who holds an LP certificate may install, purge, activate, repair, alter, service and remove liquid propane piping or tubing systems and components.

(2) When performing a function described in subsection (1), the person may do the following:

1. Install, alter, purge and test valves, regulators or accessories that are connected to an appliance or component downstream of the liquid outlet of the propane storage tank.
2. Disconnect and reconnect appliances and components at the liquid gas piping or tubing in order to carry out repairs to piping or tubing.
3. Connect liquid piping or tubing to newly-installed or replacement propane appliances or components. O. Reg. 348/96, s. 17.

17.1 (1) A person who holds a GPI certificate may, on behalf of an operating company, inspect and certify natural gas pipeline installations, tests and replacements in accordance with Ontario Regulation 157/97 (Oil and Gas Pipeline Systems) and the Canadian Standards Association standard entitled "Gas Pipeline Systems CAN/CSA Z184-M92" as amended from time to time.

(2) In subsection (1),

"operating company" includes an individual, partnership, corporation, public entity or other entity operating a gas or oil pipeline system. O. Reg. 158/97, s. 6.

17.2 A person who holds a RSI-NG certificate may install, alter, service, maintain and repair natural gas vehicle refuelling stations. O. Reg. 158/97, s. 6.

18. (1) A person who holds an ICE certificate may install, purge, inspect, activate, repair, service and remove propane and natural gas carburation equipment and systems on industrial vehicles and stationary engines and on motor vehicles within the meaning of the *Highway Traffic Act*.

(2) When performing a function described in subsection (1), the person may do the following:

1. Install, service and replace approved propane and natural gas carburation engine components, tubing, hoses, tanks and other related equipment on vehicles that operate on gaseous fuels.
2. Purge and pressure test the related equipment and systems to ensure that they do not leak.
3. Adjust and calibrate natural gas carburation equipment.
4. Purge propane or natural gas containers and lines of air and moisture.
5. Conduct visual inspections of gas tanks and carburation equipment for internal combustion engines on vehicles that are powered by propane or natural gas. O. Reg. 348/96, s. 18.

19. (1) A person who holds an ICE-IV certificate may,

- (a) install, alter, purge, activate, repair, service or remove propane or natural gas carburation equipment on stationary engines or internal combustion engines for industrial tractors and lift trucks;
- (b) install, service or remove equipment, piping, tubing or hose for them; and
- (c) fill containers for stationary engines or internal combustion engines on industrial tractors and lift trucks.

(2) When performing a function described in subsection (1), the person may do the following:

1. Install, service or replace approved propane or natural gas carburation engine components, tubing, hoses, tanks and other related equipment for vehicles that operate on gaseous fuels.
2. Purge and pressure test the related equipment and systems to ensure that they do not leak.
3. Purge propane or natural gas containers and lines of air and moisture.
4. Conduct visual inspections of gas tanks and carburation equipment for internal combustion engines on vehicles that are powered by propane or natural gas. O. Reg. 348/96, s. 19.

20. (1) A person who holds a GP certificate may,

- (a) install and repair pipe and tubing that supplies gas in a vapour state to an appliance; and
- (b) alter, purge, test, repair, service or remove gas piping or tubing systems for natural gas and propane gas in the vapour state,

but the person shall not weld piping or tubing unless he or she is qualified to do so under the *Boilers and Pressure Vessels Act* and unless he or she does the welding in accordance with a procedure approved under that Act.

(2) When performing a function described in subsection (1), the person may do the following:

1. Install, alter, purge and test valves, regulators or accessories connected to an appliance downstream of the natural gas meter or propane vapour service valve.
2. Disconnect and reconnect appliances at the gas piping or tubing to carry out necessary plumbing or steam repairs.
3. Connect gas piping or tubing to newly-installed or replacement natural gas or propane gas appliances. O. Reg. 348/96, s. 20.

21. A person who holds an IMT certificate may install, purge, activate, repair, service or remove,

- (a) an appliance fuelled by natural gas or propane in the vapour state; and
- (b) equipment, accessories or components forming part of the appliance,

if the appliance is located on the premises of his or her employer. O. Reg. 348/96, s. 21.

22. (1) A person who holds a DA certificate may install, alter, purge, activate, repair, service or remove,

- (a) any appliance, including a vented refrigerator, with an input of 100,000 Btuh or less and its equipment; and
- (b) any unvented residential natural gas or propane gas appliance with an input of 100,000 Btuh or less, other than a construction heater, and its equipment. O. Reg. 158/97, s. 7.

(2) When performing a function described in subsection (1), the person may do the following:

1. Install, test, activate, alter, purge, service, repair or remove any piping or tubing or component in a piping or tubing system to an unvented residential appliance or vented refrigerator downstream of the natural gas meter or propane vapour service valve.
2. Maintain, service or replace a mechanical or electrical component or moisture duct or accessory that forms part of an unvented residential appliance or vented refrigerator and that is essential to the appliance's operation.
3. Perform the tasks that are necessary to replace controls and components that form part of an unvented residential appliance or vented refrigerator and that is essential to the appliance's operation.
4. Perform the tasks that are necessary to replace an accessory that forms part of an unvented residential appliance or vented refrigerator and that is essential to the appliance's operation.
5. Service and replace electrical switches, fuses, components and control wiring directly related to the operation of an unvented residential appliance or vented refrigerator.

(3) The person shall not perform electrical work other than that described in subsection (2) unless he or she holds a certificate of qualification as an electrician issued under the *Trades Qualification and Apprenticeship Act*. O. Reg. 348/96, s. 22 (2, 3).

23. A person may perform the following functions if the person holds a certificate as a propane plant operator (PPO-1 certificate) or a record of training issued by a training organization approved by the Director evidencing that the person has taken training approved by the Director:

1. Transfer propane to and from tank cars, cargo liners, tank trucks, filling plants and container refill centres.
2. Fill containers and operate propane transfer equipment in a filling plant or container refill centre. O. Reg. 348/96, s. 23; O. Reg. 158/97, s. 8.

24. A person may perform the following functions if the person holds a certificate as a propane plant operator (PPO-2 certificate) or a record of training issued by a training organization approved by the Director evidencing that the person has taken training approved by the Director:

1. Transfer propane to and from tank trucks, filling plants and container refill centres.
2. Fill containers and operate propane transfer equipment in a filling plant or container refill centre. O. Reg. 348/96, s. 24; O. Reg. 158/97, s. 9.

25. A person may fill containers and operate propane transfer equipment in a filling plant or container refill centre if the person holds a certificate as a propane plant operator (PPO-3 certificate) or a record of training issued by a training organization approved by the Director evidencing that the person has taken training approved by the Director. O. Reg. 158/97, s. 10.

26. (1) A person may examine containers if the person holds a certificate as a propane cylinder inspector (PCI-1 certificate) or a record of training issued by a training organization approved by the Director evidencing that the person has taken training approved by the Director.

(2) In examining containers under subsection (1), the person shall follow the procedures described in the pamphlet "Standards for Visual Inspection of Steel Compressed Gas Cylinders", 6th edition, dated 1984, published by the Compressed Gas Association, Incorporated. O. Reg. 158/97, s. 10.

27. A person may perform the following functions if the person holds a certificate as a propane truck operator (PTO-1 certificate) or a record of training issued by a training organization approved by the Director evidencing that the person has taken training approved by the Director:

- (a) operate a propane tank truck or a vehicle that tows a cargo liner;
- (b) operate propane handling equipment to transfer propane to and from tank trucks, cargo liners, filling plants and container refill centres; and
- (c) fill containers on the premises of end-users. O. Reg. 348/96, s. 27; O. Reg. 158/97, s. 11.

28. (1) A person who holds an OBT-1 certificate may install, inspect, alter, purge, activate, repair, service or remove an oil-fired appliance and the accessories that form a part of the appliance assembly whether they are attached to it directly or remotely.

(2) When performing a function described in subsection (1), the person may perform all the functions that the holder of an OBT-2 certificate may perform. O. Reg. 348/96, s. 28.

29. (1) A person who holds an OBT-2 certificate may install, alter, purge, repair, activate, service or remove an oil-fired appliance with an input not greater than 7 U.S. gallons per hour and the accessories that form a part of the appliance assembly whether they are attached to it directly or remotely. O. Reg. 348/96, s. 29 (1).

(2) When performing a function described in subsection (1), the person may do the following:

- 1. Install, repair, service, activate, remove or alter the piping or tubing supply system of an appliance or a component in the system.
- 2. Install, repair, service, activate, remove or alter any vent, vent connector, draft control device or other component in an appliance venting system.
- 3. Disconnect and reconnect not more than 5 feet of water piping, measured horizontally, in order to exchange, service or install an approved appliance and carry out the replacement necessary to complete the reconnection of controls and components forming part of the appliance. However, the person shall not perform any work beyond the oil-side unless he or she holds a certificate of qualification as a plumber or steamfitter under the *Trades Qualification and Apprenticeship Act*.
- 3.1 Install, service, remove or replace components and accessories forming part of the fire-side of a refrigeration or air-conditioning unit. However, the person shall not perform any work beyond the fire-side unless he or she holds a certificate of qualification as a refrigeration and air-conditioning mechanic under the *Trades Qualification and Apprenticeship Act*.
- 4. Maintain, service or replace a mechanical or electrical component or accessory forming part of an appliance or system or that is essential to its operation.
- 5. Perform the tasks that are necessary to replace controls and components forming part of an appliance or system and that are essential to its operation, whether they are attached to it directly or remotely.
- 6. Install, repair, service and maintain electrical wiring for oil-fired appliances from an existing branch circuit containing over current protection. However, the person shall not run wiring

back to the panel or perform any other type of electrical work relating to the wiring of the appliance unless he or she holds a certificate of qualification as an electrician issued under the *Trades Qualification and Apprenticeship Act*.

7. Service and replace electrical switches, fuses and components that are directly related to the operation of an appliance and system.

8. Install, repair, service, remove or replace the plenum connection or components forming part of the plenum connection in order to complete the installation of an oil-fired appliance. However, the person shall not perform any sheet metal work beyond the plenum connection unless he or she holds a certificate of qualification as a sheet metal worker issued under the *Trades Qualification and Apprenticeship Act*.

9. Install, repair, alter, purge, service or remove above ground tanks with a capacity not greater than 5,000 litres. O. Reg. 348/96, s. 29 (2); O. Reg. 158/97, s. 12.

30. (1) A person who holds an OBT-3 certificate may clean, lubricate or reactivate an appliance and may clean, remove and replace a flue pipe or the barometric damper.

(2) Under the supervision of a person with an OBT-1 or OBT-2 certificate, a person who holds an OBT-3 certificate may,

- (a) work on an oil-fired appliance with an input not greater than 7 U.S. gallons per hour; and
- (b) work on the oil burner, controls or accessories that form a part of the appliance assembly whether they are attached to it directly or remotely. O. Reg. 348/96, s. 30.

31. A person who holds an OPI certificate may examine a fuel oil pipeline to determine whether it complies with the requirements of the Act and regulations. O. Reg. 348/96, s. 31.

EXEMPTIONS

32. (1) A person is exempt from section 14 of the Act with respect to the following activities:

- 1. Installing or servicing an appliance in a detached dwelling owned and occupied in whole or in part by the person. However, the person shall not activate a newly-installed appliance until a person who holds an appropriate certificate determines that the appliance and its installation comply with the requirements of the Act and regulations.
- 2. Installing, activating or servicing a portable appliance for his or her own use.
- 3. Activating an appliance in accordance with the certified lighting instructions of its manufacturer.
 - i. if the appliance was initially installed and activated by a person who holds an appropriate certificate, and
 - ii. if the appliance has been maintained in a safe working condition.
- 4. Transferring propane from one container to another at his or her place of business for his or her own use.
- 5. Transferring propane from one container to another at his or her employer's place of business for use by the employer or by the person if the person has been trained to the standard established by the authority appointed by the Ministry and the propane

- industry. The person and the person's employer, if any, must have a record of training to that effect.
6. Activating a propane construction heater with an input of 400,000 Btuh or less, or any hand-held propane-fuelled torch, and connecting it to or disconnecting it from piping, tubing or a container if the person has been trained to the standard established by the authority appointed by the Ministry and the propane industry. The person and the person's employer, if any, must have a record of training to that effect.
 - 6.1 Servicing a propane construction heater with an input of less than 400,000 Btuh, or any hand-held propane-fuelled torch, or an oil-fired construction heater with a firing rate no higher than 1.1 U.S. gallons per hour if the person has been trained to the standard established by the authority appointed by the Ministry and the propane industry or the fuel oil industry, as the case may be. The person and the person's employer, if any, must have a record of training to that effect.
 7. Constructing new propane vehicles for a manufacturer of propane vehicles on the manufacturer's premises.
 8. Servicing, repairing or replacing any part of a propane vehicle other than its propane fuel system.
 9. Transferring propane to and from tank cars, cargo liners, tank trucks, filling plants and container refill centres, and filling containers and operating propane transfer equipment in a filling plant or container refill centre if the person has been trained to the standard established by the authority appointed by the Ministry and the propane industry. The person and the person's employer, if any, must have a record of training to that effect.
 10. Examining containers in accordance with section 26 if the person has been trained to the standard established by the authority appointed by the Ministry and the propane industry. The person and the person's employer, if any, must have a record of training to that effect.
 11. Operating a tank truck or a vehicle that tows a cargo liner, operating propane handling equipment to transfer propane to and from tank trucks, cargo liners, filling plants and container refill centres and filling containers on the premises of end-users if the person has been trained to the standard established by the authority appointed by the Ministry and the propane industry. The person and the person's employer, if any, must have a record of training to that effect. O. Reg. 348/96, s. 32 (1); O. Reg. 158/97, s. 13.
- (2) An employee of a natural gas distributor who is acting in the course of his or her employment is exempt from section 14 of the Act when he or she is shutting off appliances, turning off gas service, reactivating gas service to a dwelling unit and relighting appliances installed in a dwelling unit. However, the employee is exempted only if he or she has received a training course on doing so from his or her employer.
- (3) For the purposes of this section,
- "servicing" does not include performing routine maintenance. O. Reg. 348/96, s. 32 (2, 3).
- TRANSITION
33. REVOKED: O. Reg. 348/96, s. 33 (3).
 34. REVOKED: O. Reg. 348/96, s. 34 (21).

Energy Act Loi sur les hydrocarbures

ONTARIO REGULATION 83/97

Amended to O. Reg. 151/99

COMPRESSED NATURAL GAS STORAGE, HANDLING AND UTILIZATION

DEFINITIONS

1. In this Regulation,

"approved" means,

- (a) acceptable to the Director,
- (b) with respect to a standard or a laboratory test report, that the standard or laboratory test report is accepted by the Director,
- (c) with respect to an appliance, that the appliance bears the label or symbol of a designated testing organization certifying compliance with an approved standard or a laboratory test report,
- (d) with respect to a component, accessory or equipment other than the pressure piping system at a refuelling station, that the equipment, component or accessory bears the label or symbol of a designated testing organization certifying compliance with an approved standard or a laboratory test report, and
- (e) with respect to an installation or work, that the installation or work, as the case may be, complies with this Regulation;

"bulk container" means a container that is designed to be permanently attached to a vehicle for the purpose of transporting NGV;

"certificate", except in sections 27, 28 and 30, means a certificate referred to in section 14 of the Act;

"Code" means the Ontario Compressed Natural Gas Code, 1997, amended from time to time and adopted as part of this Regulation under section 2;

"engineering services" means services performed by a person for the purposes of this Act and includes services for reviewing plans or drawings, services relating to requests for variances or deviations, services for monitoring field development projects and services relating to site remediation and general consultations;

"installation" means the act of installing a component, accessory or other equipment on a natural gas vehicle or a facility for refuelling natural gas vehicles or any other facility at which natural gas is handled;

"licence" means a licence referred to in section 12 of the Act;

"natural gas" means natural gas that consists primarily of methane in gaseous state, with contaminants not exceeding the values set out in Part 2 of the Code;

"natural gas vehicle" means a motor vehicle that is propelled or driven by an internal combustion engine fuelled by natural gas;

"NGV" means natural gas to be used as engine fuel for a natural gas vehicle;

"pressure piping system" means the natural gas piping system at a refuelling station, including its equipment, components and accessories, where the system is designed to operate at a pressure above 410 kPa gauge (60 psig);

"private outlet" means a premises at which NGV is dispensed into the fuel container of motor vehicles used by the operator of the outlet, using VRA's capable of a total output of over 0.3 cubic metre/minute (10 cubic feet/minute);

"professional engineer" means a professional engineer within the meaning of the *Professional Engineers Act*;

"refuelling station" means,

- (a) a facility for the dispensing of NGV and includes all stationary equipment and associated components downstream from the outlet of the meter station of the utility supplying natural gas, but does not include a private outlet,
- (b) a facility composed of one or more than one VRA that has been altered by the addition of containers storing NGV, or
- (c) any combination of facilities referred to in clauses (a) and (b);

"registration" means a registration referred to in section 13 of the Act;

"vehicle conversion centre" means a premises used to install, activate, alter, repair, service, purge or remove any part of a natural gas fuel system on a vehicle;

"VRA" means a vehicle refuelling appliance that consists of a natural gas compressor package not containing storage, that has a flow rate not in excess of 0.3 cubic metre/minute (10 cubic feet/minute) and that is intended for unattended refuelling. O. Reg. 83/97, s. 1.

CODE

2. (1) The publication entitled the Ontario Compressed Natural Gas Code, 1997, as amended from time to time, issued by the Engineering and Standards Branch, Technical Standards Division of the Ministry of Consumer and Commercial Relations and the standards and laboratory test reports referred to in it to the extent they apply to the Code, are adopted as part of this Regulation.

(2) All persons engaged in the handling of compressed natural gas or in the selling, renting, installing, activating, altering, maintaining, servicing, purging, removing or operating compressed natural gas equipment or the fuel systems of natural gas vehicles shall comply with the Code.

(3) If a provision of this Regulation conflicts with a provision of the Code, the provision of this Regulation applies. O. Reg. 83/97, s. 2.

DESIGNATED TESTING ORGANIZATIONS

3. (1) The Canadian Gas Association, the Canadian Standards Association, the Underwriters' Laboratories of Canada and the Underwriters' Laboratories Inc. are designated as organizations to test appliances, equipment, components and accessories to approved standards or laboratory test reports.

(2) A designated testing organization may test an appliance, equipment, component or accessory for which there is no approved standard or laboratory test report, in which case it shall report its findings to the Director who may accept the report.

(3) A person may apply to a designated testing organization to have an appliance, equipment, component or accessory tested under this section.

(4) A designated testing organization that tests an appliance, equipment, component or accessory shall place its label or symbol on it if,

- (a) it conforms to the applicable approved standard or laboratory test report; or
- (b) the Director accepts a report on it under subsection (2). O. Reg. 83/97, s. 3.

REFUELLING STATIONS—CONSTRUCTION AND ALTERATION

4. (1) No person shall start or cause or permit to be started the construction of a refuelling station or the making of an alteration to a refuelling station unless,

- (a) the person has obtained the Director's written approval of the design of the station or the alteration; or
- (b) the person has submitted to the Director,
 - (i) a legible plan in duplicate drawn to scale showing the design of the station or the alteration signed and sealed by a professional engineer,
 - (ii) the statutory declaration of the professional engineer declaring that the design complies with all applicable requirements of this Regulation, and
 - (iii) in the case of an alteration, the evidence required by clause 6 (3) (a), if the Director requests it.

(2) An application for the Director's approval of the design of a refuelling station or an alteration to a refuelling station shall consist of,

- (a) a legible plan in triplicate drawn to scale showing the design of the station or the alteration;
- (b) in the case of an alteration, the evidence referred to in clauses 6 (3) (a) to (d), if the Director requests it; and
- (c) sufficient information for the Director to determine whether the design of the station or the alteration complies with this Regulation.

(3) An applicant for the Director's approval of the design of a refuelling station or an alteration to a refuelling station shall pay a fee for the Director to have a design review done.

(4) Upon approving a design, the Director shall mark the approval on one copy of each plan submitted by the applicant and shall return it to the applicant. O. Reg. 83/97, s. 4.

5. Except if the VRA is connected to storage or is located at a private outlet, no person shall install a VRA unless the VRA is installed in accordance with Part 9 of the CAN/CGA B 149.1-M95 Standard entitled the Natural Gas Installation Code, as it exists on the day this Regulation comes into force. O. Reg. 83/97, s. 5.

LICENCES FOR REFUELLING STATIONS

6. (1) A licence to operate a refuelling station is valid for only one refuelling station.

(2) An applicant for a licence to operate a refuelling station shall complete and sign an application in a form authorized by the Direc-

tor and shall submit the application to the Director. O. Reg. 83/97, s. 6 (1, 2).

(3) An application for a licence to operate a refuelling station shall include,

- (a) evidence acceptable to the Director from the municipality where the refuelling station is located indicating that the use of the station for its intended purpose does not contravene the zoning by-laws of the municipality;
- (b) evidence acceptable to the Director that the refuelling station and all related piping comply with Ontario Regulation 546/96 (Gas Utilization Code) made under the Act, if piping at the station downstream from the meter station of the natural gas distributor is designed for pressure of 410 kPa gauge (60 psig) or less;
- (c) if the Director requests, evidence acceptable to the Director that the pressure piping system and natural gas containers installed at the refuelling station meet the requirements of the *Boilers and Pressure Vessels Act*, if the system or containers are designed for pressure of more than 410 kPa gauge (60 psig);
- (d) evidence acceptable to the Director that a certificate of inspection has been issued by the Electrical Safety Authority, as defined in the *Electricity Act, 1998*, certifying compliance of the electrical system of the refuelling station with the Electrical Safety Code made under the *Electricity Act, 1998*; and
- (e) payment of the fee set out in the Schedule. O. Reg. 83/97, s. 6 (3); O. Reg. 151/99, s. 1.

(4) The Director shall not issue a licence to operate a refuelling station unless the applicant for the licence submits a completed application and,

- (a) an inspection of the refuelling station referred to in the application, confirms that the station complies with this Regulation; or
- (b) the Director is otherwise satisfied that the refuelling station referred to in the application complies with this Regulation. O. Reg. 83/97, s. 6 (4).

7. The holder of a licence to operate a refuelling station shall display it in a conspicuous place at the refuelling station referred to in the licence. O. Reg. 83/97, s. 7.

8. (1) If an alteration is made to a refuelling station after the Director has issued a licence to operate the refuelling station, no person shall operate the station or permit the station to be operated unless the holder of the licence has obtained the Director's written approval of the alteration.

(2) The Director shall not approve an alteration to a refuelling station unless,

- (a) an inspection of the refuelling station confirms that the station, including the alteration, complies with this Regulation; or
- (b) the Director is otherwise satisfied that the refuelling station, including the alteration, complies with this Regulation. O. Reg. 83/97, s. 8.

LICENCES FOR TRANSPORT VEHICLES

9. (1) A licence to transport NGV in a bulk container on a transport vehicle is valid for only one transport vehicle.

(2) An applicant for a licence to transport NGV in a bulk container on a transport vehicle shall complete and sign an application in a form authorized by the Director and shall submit the application to the Director, together with payment of the fee set out in the Schedule.

(3) The Director shall not issue a licence to transport NGV in a bulk container on a transport vehicle unless the applicant for the licence submits a completed application and,

- (a) an inspection of the transport vehicle referred to in the application, confirms that the vehicle complies with this Regulation; or
- (b) the Director is otherwise satisfied that the transport vehicle referred to in the application complies with this Regulation. O. Reg. 83/97, s. 9.

10. The holder of a licence to transport NGV in a bulk container on a transport vehicle shall carry it in or on the vehicle referred to in the licence. O. Reg. 83/97, s. 10.

APPROVAL OF PRIVATE OUTLETS

11. (1) No person shall operate a private outlet unless the operator of it has obtained the Director's written approval to operate the outlet.

(2) The Director shall not issue an approval to operate a private outlet unless the operator of it submits to the Director a statutory declaration signed by a certified gas technician (G.1 or G.2) under the Act that verifies that,

- (a) the installation of the outlet complies with Part 9 of the CAN/CGA B149.1 M95-Standard as it exists on the day this Regulation comes into force; and
 - (b) the operator has notified the municipality where the outlet is located of the location.
- (3) An approval to operate a private outlet expires if a change, alteration or addition is made to the private outlet after the approval is issued.
- (4) An approval to operate a private outlet is not transferable. O. Reg. 83/97, s. 11.

12. The operator of a private outlet who has obtained the Director's approval to operate the outlet shall display it at the outlet so that it is readily visible. O. Reg. 83/97, s. 12.

13. No person shall supply natural gas to a private outlet unless the operator of the outlet has obtained the Director's written approval to operate the outlet and has displayed it at the outlet so that it is readily visible. O. Reg. 83/97, s. 13.

REGISTRATION OF CONTRACTORS

14. (1) No person other than a contractor who has registered with the Director shall carry on the business of, or a business that includes,

- (a) operating a vehicle conversion centre;
- (b) installing, removing, repairing, altering or servicing a pressure piping system.

(2) An applicant is entitled to registration as a contractor upon,

- (a) submitting to the Director an application in a form authorized by the Director that is completed and signed by the applicant; and
- (b) paying the fee set out in the Schedule.

(3) A registered contractor who operates a vehicle conversion centre shall not operate it at a location other than that specified in the registration. O. Reg. 83/97, s. 14.

15. The holder of a registration shall display it in a conspicuous place at the business address set out on the registration. O. Reg. 83/97, s. 15.

GENERAL—LICENCES AND REGISTRATIONS

16. (1) A licence or registration under this Regulation expires,

- (a) 12 months after it is issued, if it is not issued for a temporary purpose; or
- (b) at the time stated on it which shall be earlier than 12 months after it is issued, if it is issued for a temporary purpose.

(2) A licence or registration, as the case may be, shall state the date on which it was issued and the date on which it expires. O. Reg. 83/97, s. 16.

17. The holder of a licence or registration under this Regulation who is not in arrears of any fees owed to the Director is eligible for a renewal of the licence or registration upon paying to the Director the fee for a renewal set out in the Schedule before the licence or registration expires. O. Reg. 83/97, s. 17.

18. (1) A licence or registration under this Regulation is not transferable.

(2) If the name or address on a licence or registration changes, the holder shall promptly apply to the Director for a licence or registration containing the new name or address.

(3) An applicant is entitled to receive a licence or registration containing the new name or address upon paying to the Director the fee set out in the Schedule.

(4) A holder whose licence or registration is lost or destroyed shall promptly apply to the Director for a duplicate of it.

(5) An applicant is entitled to receive a duplicate licence or registration upon paying to the Director the fee set out in the Schedule.

(6) A person who obtains a duplicate licence or registration because the original was lost, shall promptly return the duplicate to the Director upon finding the original. O. Reg. 83/97, s. 18.

OPERATION OF REFUELLING STATIONS

19. No person shall knowingly supply compressed natural gas to a refuelling station or to a VRA that contains substances in excess of the quantities listed in Clause 2.12 of the Code. O. Reg. 83/97, s. 19.

20. The holder of a licence to operate a refuelling station shall not operate the refuelling station or permit the refuelling station to be operated except in accordance with this Regulation. O. Reg. 83/97, s. 20.

21. (1) A holder of a licence to operate a refuelling station where the dispensing pressure is controlled by a dome-load type system shall check the dispensing pressure at least once every two weeks by means approved for the purpose and shall,

- (a) record the date of the check, the ambient temperature, the dispensing pressure and the temperature-compensated dispensing pressure;
- (b) maintain the record for at least two years after it is made; and
- (c) produce the record, upon request, for examination by an inspector.

(2) If the check reveals that the dispensing pressure is more than the approved allowable pressure, the holder of the licence shall immediately,

- (a) have the temperature-compensating pressure-limiting device of the system checked and serviced; and
- (b) cease all NGV dispensing operations at the refuelling station until the device is operating in accordance with the requirements of the Code. O. Reg. 83/97, s. 21.

22. (1) A holder of a licence to operate a refuelling station where the dispensing pressure is controlled by an automatic temperature-compensating pressure-limiting device shall check the system at least once every six months and shall,

- (a) record the date of the check, the ambient temperature, the dispensing pressure and the temperature-compensated dispensing pressure;
- (b) maintain the record for at least two years after it is made; and
- (c) produce the record, upon request, for examination by an inspector.

(2) If the check reveals that the device is not operating in accordance with the requirements of the Code, the holder of the licence shall,

- (a) have the device reset, serviced or repaired; and
- (b) cease all NGV dispensing operations at the refuelling station until the device is operating in accordance with the requirements of the Code. O. Reg. 83/97, s. 22.

23. (1) The holder of a licence to operate a refuelling station shall ensure that the attendants at the refuelling station are trained in the safe use of the refuelling equipment, dispensing equipment, emergency shut-down switches and emergency valves at the refuelling station and in the safe handling of compressed natural gas.

(2) The holder of a licence to operate a refuelling station shall make a record of the training given under subsection (1) and retain it at the refuelling station.

(3) The holder of a licence to operate a refuelling station shall promptly notify the Director of all accidents or failures of equipment, components, accessories or works that result in a release of natural gas at the refuelling station. O. Reg. 83/97, s. 23.

24. (1) The operator of a natural gas vehicle shall turn off the engine of the vehicle before refuelling the vehicle at a refuelling station.

(2) No person at a refuelling station shall have in possession lighted smoking materials or any other source of ignition within three metres (10 feet) of a point of transfer of natural gas, a vehicle refuelling receptacle or a container being refuelled.

(3) No person shall refuel a natural gas vehicle at a refuelling station unless,

- (a) the engine ignition of the vehicle has been turned off;
- (b) the main burner and pilot light, if any, of an appliance on board the vehicle has been turned off; and
- (c) the vehicle's refuelling receptacle is at least three metres (10 feet) from a source of ignition. O. Reg. 83/97, s. 24.

25. (1) The holder of a licence to operate a fast fill refuelling station shall prepare or cause to be prepared an operating manual for the station that sets out the general operating procedures of the station, including procedures for the station regarding security, safety requirements, emergency procedures and routine maintenance.

(2) The holder of a licence to operate a fast fill refuelling station shall,

- (a) ensure that each station operator and station attendant has read and understands the operating manual for the station;
- (b) keep the operating manual at the station for use by the operator and the attendant; and
- (c) make the operating manual for the station available, on request, for examination by an inspector. O. Reg. 83/97, s. 25.

26. (1) The holder of a licence to operate a fast fill refuelling station shall ensure that each attendant in control of the equipment referred to in clauses 4 and 5 of the CAN/CGA B 108-M95 Standard entitled the NGV Refuelling Stations Installation Code as it exists on the day this Regulation comes into force,

- (a) monitors not more than 12 hydrocarbon fuel dispensers at a time, whether or not the dispensers are dispensing;
- (b) has a two-way communication system to communicate with persons at a natural gas dispenser monitored by the console attendant;
- (c) has an unobstructed view of each natural gas dispenser monitored by the attendant and of a person operating the dispenser; and
- (d) has an emergency shut-down switch that is within easy reach of the console and that can simultaneously shut off all dispensers at the station regardless of the product being dispensed.

(2) A holder of a licence to operate a fast fill refuelling station is not required to comply with clause (1) (c) if the station is equipped with a system of video monitoring that,

- (a) allows the attendant a constant view of the dispensing equipment; and
- (b) automatically turns off all dispensers monitored by the system if the system fails.

(3) An attendant referred to in subsection (1) at a fast fill refuelling station where self-serve dispensing occurs shall,

- (a) not activate a dispenser unless safe dispensing can start;
- (b) be in constant attendance at the console while a dispenser is in use;
- (c) if a fire, explosion, natural gas release, fuel spill or any other hazardous condition occurs at the station, activate an emergency shut-down switch to shut-off all dispensers at the station, regardless of the product being dispensed, until a safe condition has been restored; and
- (d) operate the station in accordance with the operating manual for the station. O. Reg. 83/97, s. 26.

VEHICLE CONVERSION

27. (1) A contractor who converts a vehicle to natural gas shall,

- (a) ensure that the conversion complies with this Regulation, including Part 4 of the Code;
- (b) ensure that the vehicle has the labels required by the Code affixed to it;
- (c) supply an instruction manual on the operation of natural gas fuel systems to the owner of the vehicle; and

- (d) complete a fuel system certificate in a form authorized by the Director, in respect of every natural gas container installed on or removed from the vehicle.

- (2) A contractor who completes a fuel system certificate shall,

- (a) provide one copy of the certificate to the owner of the vehicle referred to in the certificate within 30 days of the installation or removal of the natural gas container referred to in the certificate;
- (b) retain one copy of the certificate for at least five years from the date of the certificate and produce it, on request, for examination by an inspector. O. Reg. 83/97, s. 27.

28. (1) If a contractor who operates a vehicle conversion centre installs on a vehicle a single natural gas container having a water capacity in excess of 300 litres, the contractor shall not release the vehicle unless a professional engineer has provided a certificate to the contractor stating that,

- (a) the installation of the natural gas container and the natural gas fuel system of the vehicle complies with the Code;
- (b) the installation has not weakened the vehicle structure beyond that required to perform its function; and
- (c) the installation has not moved the centre of gravity of the vehicle outside the design specification of the vehicle and has not increased the weight of the vehicle beyond its gross vehicle weight.

(2) The contractor shall provide promptly to the owner of the vehicle on which the natural gas container was installed,

- (a) a copy of the certificate of the professional engineer; and
- (b) a certificate stating the revised gross vehicle weight after the conversion.
- (3) The contractor shall,
- (a) keep a copy of every certificate of a professional engineer referred to in subsection (1) for at least 10 years from the date of installation of the natural gas container referred to in the certificate; and
- (b) upon request, provide a copy of a certificate referred to in clause (a) for examination by an inspector. O. Reg. 83/97, s. 28.

VEHICLE FUEL SYSTEMS

29. No person shall knowingly supply natural gas to the fuel system of a natural gas vehicle or to a container except in accordance with this Regulation. O. Reg. 83/97, s. 29.

30. (1) A person who installs, alters, repairs, services or removes NGV components on the person's personal vehicle shall not use the vehicle unless,

- (a) a contractor who operates a vehicle conversion centre inspects the natural gas fuel system of the vehicle at the vehicle conversion centre and the inspection shows that the system does not leak and is safe for continuous use on the vehicle; and
- (b) the contractor affixes the labels required by the Code to the vehicle.

(2) No person shall transfer the ownership of a used natural gas vehicle unless,

- (a) a contractor who operates a vehicle conversion centre inspects the natural gas fuel system of the vehicle at the vehicle conversion centre and the inspection shows that the system does not leak and is safe for continuous use on the vehicle;
- (b) the contractor affixes the labels required by the Code to the vehicle; and
- (c) the contractor provides the transferee with the certificates referred to in clause 27 (1) (d) and 28 (2) (b), if they are required.

(3) A contractor who inspects the natural gas fuel system of a natural gas vehicle for the purpose of subsection (1) or (2) shall issue a certificate to the owner of the vehicle certifying that the natural gas system of the vehicle does not leak and is safe for continuous use on the vehicle identified in the certificate if the inspection shows that such is the case. O. Reg. 83/97, s. 30.

CONTAINERS

31. (1) No person shall transfer natural gas to a portable container unless the person holds a licence to operate a refuelling station or is an employee of the licence holder.

(2) A person who transfers natural gas to a portable container shall ensure that,

- (a) the container is not filled to a pressure that exceeds the equivalent of its service pressure rating using a temperature compensating dispensing system;
- (b) the container valve is protected by a shroud or cap; and
- (c) the container is approved under the regulations made under the *Transportation of Dangerous Goods Act* (Canada).
- (3) No person shall transport a portable container unless,
- (a) the container valve is protected by a shroud or cap;
- (b) the container is secured to prevent movement during transport; and
- (c) the container is in a ventilated space. O. Reg. 83/97, s. 31.

32. (1) No person shall transfer natural gas or permit natural gas to be transferred to or from a bulk container unless the person holds a licence to operate a refuelling station or is an employee of the licence holder.

(2) No person shall load, unload or operate a vehicle that transports natural gas in bulk containers unless the person has been trained by the holder of a licence to transport natural gas in bulk containers and the holder is satisfied that the person can safely operate natural gas transfer equipment including emergency shut-down switches and emergency valves. O. Reg. 83/97, s. 32.

EXEMPTIONS

33. (1) A person who operates a private outlet or a VRA is exempt from section 12 of the Act.

(2) A natural gas compressor that is not part of a VRA is exempt from section 10 of the Act.

(3) A natural gas vehicle is exempt from section 10 of the Act.

(4) A person who transports natural gas in a portable container is exempt from section 12 of the Act.

(5) An original equipment manufacturer who manufactures natural gas vehicles is exempt from section 13 of the Act in respect of the vehicles.

(6) A person who is an employee of a manufacturer referred to in subsection (5) and who, in that capacity, performs labour at the premises of the manufacturer to make new natural gas vehicles is exempt from section 14 of the Act.

(7) A person who installs, alters, purges, activates, repairs, services or removes NGV components on the person's own vehicle is exempt from section 14 of the Act.

(8) A person who installs, alters, purges, activates, repairs, services or removes a part of a natural gas vehicle other than the natural gas fuel system of the vehicle is exempt from section 14 of the Act. O. Reg. 83/97, s. 33.

FEEES

34. (1) The fees set out in the Schedule are payable for the items that are specified.

(2) If the Director or an inspector causes inspection or engineering services to be provided to a person for the purpose of carrying out powers or duties under the Act and this Regulation, the person shall pay the fees set out in the Schedule for those services.

(3) The fees for inspection or engineering services shall include, where applicable, the travel time and reasonable travel and living expenses incurred by the inspector or the person providing the engineering services.

(4) A fee set out in the Schedule that is expressed as an amount per hour is payable on the basis of each quarter hour or part of a quarter hour

that the person charging the fee spends, subject to the minimum set out in the Schedule. O. Reg. 83/97, s. 34.

Schedule

FEEES

1.	Application for a licence to operate a refuelling station or a transport vehicle or a renewal of the licence	\$ 90.00
2.	Application for registration as a contractor or a renewal of the registration	210.00
3.	Issuance of a licence or registration containing a new name	15.00
4.	Issuance of a duplicate licence or registration	15.00
5.	Engineering services	120.00 per hour for each person providing the services, minimum of one hour
6.	Inspection services	120.00 per hour for each inspector providing the services, minimum of one hour
7.	Labels for natural gas vehicles	100.00 per package of ten labels

O. Reg. 83/97, Sched.

Energy Act Loi sur les hydrocarbures

REGULATION 329

Amended to O. Reg. 543/96

FUEL OIL CODE

1. In this Regulation,

"approved" means,

- (a) where applied to a standard, that the standard is listed in "Titles of Appliances, Equipment and Accessory Standards Authorized for Use in the Province of Ontario under the *Energy Act*",
- (b) where applied to an appliance, that the appliance bears a label issued by the Director, or bears a label of a designated testing organization, certifying conformance with a standard acceptable to the Director or conforming with a Laboratory test report accepted by the Director, or
- (c) where applied to an installation, that it conforms with this Regulation;

"professional engineer" means a person who is a member or licensee of the Association of Professional Engineers of the Province of Ontario. R.R.O. 1990, Reg. 329, s. 1.

2. (1) The Code issued by the Canadian Standards Association entitled "Installation Code for Oil Burning Equipment, CSA B139-1976" as it existed on the 1st day of September, 1977 and the Standards, Specifications and Codes set out therein as reference publications insofar as they apply to the said Code are adopted as part of this Regulation with the following change:

1. Part 3 is amended by adding the following clause:

3.13.4 This code also encompasses appliances utilizing catalytic fuels including CGSB 3-GP-27c Naphtha.

(2) Where there is a conflict between a standard, specification, code or publication adopted in subsection (1) and this Regulation, this Regulation prevails.

(3) A reference in the Code adopted in subsection (1) to the National Building Code shall be deemed to be a reference to the Ontario Building Code. R.R.O. 1990, Reg. 329, s. 2.

3. (1) Where a leak is suspected in any tank or piping or where the Director so requests, the owner of the tank or piping shall,

- (a) arrange for a recorded pressure test with readings four hours and twelve hours from commencement of the test on tanks and piping at pressures of,
 - (i) not more than 5 psig for uncovered tanks,
 - (ii) not less than 5 psig or more than 15 psig for covered tanks, and
 - (iii) at least 50 psig or one and one-half times the operating pressure, whichever is the greater, but not more than 100 psig for piping;
- (b) prior to a pressure test being applied to any piping, ensure that the piping is disconnected from the tank, pump or other equipment that may be damaged by the applied pressure;

(c) ensure that no pressure test is performed with any product in the tank unless prior authorization has been obtained from the Director; and

(d) ensure that the pressure gauges used in the test required by this subsection are calibrated in increments not greater than,

- (i) one-tenth of one pound per square inch for the tank test, and
- (ii) one-half of one pound per square inch for the piping test.

(2) The owner or a person authorized by the owner shall certify on the record of the test that he or she has witnessed all tests and repairs required by subsection (1) and the records shall be retained by the owner for a period of two years from the date of the test. R.R.O. 1990, Reg. 329, s. 3.

4. The owner of a supply tank or its piping shall,

- (a) ensure that any leaks are repaired;
- (b) ensure that any defective equipment or component is repaired or replaced forthwith;
- (c) take all reasonable precautions to prevent the escape or spillage of fuel oil during all operations including testing and repairing; and
- (d) ensure that escaped fuel oil is recovered and contaminated soil is removed forthwith. R.R.O. 1990, Reg. 329, s. 4.

5. Where an underground tank will not be used, or where it has not been used for two years, whichever comes first, the owner of the tank shall,

- (a) remove any product from the tank and connected piping;
- (b) remove the tank from the ground, and
 - (i) remove the piping from the ground, or
 - (ii) purge the piping of combustible vapours and permanently seal the ends of the piping by capping or plugging;
- (c) where the soil around the tank is contaminated with oil from the tank, remove such contaminated soil; and
- (d) fill any cavities caused by removal of the tank to grade level with clean land fill. R.R.O. 1990, Reg. 329, s. 5.

6. No person shall make a weld in any steel pipe that forms or is intended to form a part of a steel pipeline or a component of a steel pipeline unless he or she is qualified to make the weld in accordance with the requirements of CSA Standard Z184-1975 Gas Pipeline Systems and is the holder of a subsisting identification card issued under the *Boilers and Pressure Vessels Act*. R.R.O. 1990, Reg. 329, s. 6.

7. Where piping from a supply tank for the supply of fuel oil to or from fuel oil burner equipment is heated by electrical heating cables or the piping is used as an electrical resistance heating element, the owner shall provide and maintain temperature limit controls to ensure the temperature of the fuel oil is not raised above its flash point. R.R.O. 1990, Reg. 329, s. 7.

8. (1) The lessor of a construction heater shall, at the time of delivery to the lessee, ensure that,

- (a) the construction heater and its accessories are approved and are in a safe operating condition; and
 - (b) the lessee is instructed in the safe installation and use of the construction heater and its accessories as set out in Part 12 of the Code adopted in section 2.
- (2) The lessee of a construction heater shall ensure that,
- (a) the construction heater and its accessories are installed and used in accordance with the manufacturer's safety instructions as approved by a testing organization designated under section 15, and Part 12 of the Code adopted in section 2;
 - (b) the installation of a construction heater and any associated piping and the repair, servicing, or removal of the heater is performed only by a person holding a certificate as a category II oil burner mechanic;
 - (c) the handling and operation of a construction heater and its accessories are performed by a person who has been instructed in the proper performance of such handling and operation;
 - (d) a malfunctioning or damaged construction heater or its accessories is removed from service and such malfunction or damage is reported to the lessor.
- (3) Where the owner of a construction heater and its accessories is also the user of the heater and accessories, he or she shall ensure that,
- (a) the construction heater and its accessories are approved and are maintained in a safe operating condition;
 - (b) the construction heater and its accessories are installed and used in accordance with the manufacturer's safety instructions as approved by a testing organization designated under section 15, and Part 12 of the Code adopted in section 2;
 - (c) the installation of a construction heater and any associated piping and the repair, servicing or removal of the heater is performed only by a person holding a certificate as a category II oil burner mechanic;
 - (d) the handling and operation of a construction heater and its accessories is performed by a person who has been instructed in the proper performance of such handling and operation; and
 - (e) a damaged or malfunctioning construction heater and its accessories are removed from service. R.R.O. 1990, Reg. 329, s. 8.
9. (1) Subject to subsections (2) and (3), no person shall offer for sale, sell, lease, rent, buy or install an appliance for which there is an approved standard unless it is a certified package unit as defined in the Code adopted in section 2.

(2) Where a burner in an existing package unit or other oil-fired appliance is to be replaced, the replacement burner shall,

- (a) be certified for field installation and be suitable for the application for which it is intended;
- (b) be chosen and installed by a person holding a certificate as a category II oil burner mechanic; and
- (c) be installed in accordance with Part 9 of the Code adopted in section 2 and the manufacturer's instructions as approved by a testing organization designated under section 15.

(3) An appliance and its equipment that conform with the applicable requirements of the Code adopted in section 2 are exempt from section 10 of the Act where,

- (a) the input to the appliance and its equipment is greater than 70 U.S. gallons per hour; or
- (b) the appliance and its equipment are being used for the function for which they were designed and have previously been used in another location. R.R.O. 1990, Reg. 329, s. 9.

10. Every contractor who installs an appliance shall record his or her name, address and registration number on the appliance in a readily visible location. R.R.O. 1990, Reg. 329, s. 10.

11. (1) The owner of an appliance shall ensure that the appliance and its accessories are maintained in a safe operating condition and that damaged or defective appliances or accessories are repaired or replaced forthwith.

(2) Where a distributor, contractor or oil burner mechanic finds that,

- (a) an appliance or its installation does not comply with this Regulation;
- (b) the combustion products of an appliance are not safely vented;
- (c) an appliance has been tagged as unsafe;
- (d) an appliance is used for a purpose other than that for which it is designed;
- (e) any device, attachment, alteration or deterioration might in any way,
 - (i) impair the combustion within an appliance, or
 - (ii) impair the safe venting of an appliance; or
- (f) there is non-compliance with this Regulation with respect to the supply of air for combustion,

the distributor, contractor or oil burner mechanic, as the case may be, shall forthwith notify in writing the owner, or where the owner is not known or is unable to be located, the operator of the appliance and the Director of the condition. R.R.O. 1990, Reg. 329, s. 11.

12. (1) No person shall deliver fuel oil to an appliance where the fill and vent pipes connected to the supply tank feeding the appliance do not terminate outside the building.

(2) Where a distributor finds that the fill or vent pipes connected to the supply tank feeding an appliance do not terminate outside the building and refuses to deliver fuel oil to the appliance in accordance with subsection (1), he or she shall notify the owner or where the owner is not known or is unable to be located, the operator of the appliance and the Director of the reason for non-delivery. R.R.O. 1990, Reg. 329, s. 12.

13. Where a distributor supplies fuel oil through underground piping from a central supply tank or tanks, the distributor shall ensure that,

- (a) accurate inventory records are maintained and reconciled against daily degree day accumulations of the system for indication of possible leakage from tanks or piping;
- (b) any defective equipment or component is repaired or replaced forthwith;
- (c) any leak is reported to an inspector within twelve hours of its discovery;

- (d) the underground part of a repaired or replaced piping is not back-filled until it has been inspected by a person who holds a certificate as a fuel oil pipeline inspector; and
- (e) any escaped fuel oil is recovered and contaminated soil is removed forthwith. R.R.O. 1990, Reg. 329, s. 13.

14. Where a fuel oil appliance is served by a pipeline, the distributor shall arrange for inspection of the appliance at intervals approved by the Director. R.R.O. 1990, Reg. 329, s. 14.

15. (1) The Canadian Gas Association, the Canadian Standards Association, the Underwriters' Laboratories of Canada and the Underwriters Laboratories Inc. are designated as organizations to test fuel oil appliances, including those designed to burn both gas and fuel oil, together or separately, and catalytic heaters to approved standards and, where the appliances conform to the standards, to place their label thereon.

(2) The Canadian Gas Association, the Canadian Standards Association, the Underwriters' Laboratories of Canada and the Underwriters Laboratories Inc. are designated as organizations to test equipment, components or accessories to approved standards and, where the equipment, components or accessories conform to the standards, to place their label thereon. O. Reg. 447/93, s. 1.

(2.1) Warnock Hersey Professional Services Ltd. is designated as an organization to test vents, chimneys and chimney liners to approved standards and, if the appliances conform to the approved standards, to place its label on them. O. Reg. 217/92, s. 1.

(3) Where an organization designated in subsection (1) is testing an appliance having components or accessories previously certified by an organization not designated in subsection (1), such components or accessories shall be investigated to confirm whether they comply with the applicable approved standards. R.R.O. 1990, Reg. 329, s. 15 (3).

16. An appliance, component, accessory or equipment for which there is no approved standard may be tested by a testing organization designated by section 15 and the organization shall report its findings to the Director, and where the report is accepted by the Director, the label of the designated testing organization may be placed on the appliance, component, accessory or equipment certifying conformance with the report and the label shall constitute approval. R.R.O. 1990, Reg. 329, s. 16.

17. (1) Any person may apply to the Director for a label in respect of the fuel features of an appliance that does not bear the label of the Canadian Gas Association, the Canadian Standards Association, the Underwriters' Laboratories of Canada or the Underwriters Laboratories Inc. O. Reg. 447/93, s. 2 (1).

(2) Where an application is made under subsection (1), and,

- (a) the Director is of the opinion that it is not feasible for an organization designated under section 15 to test and label the appliance; and
- (b) an inspector inspects the appliance and finds that the fuel features conform to approved standards,

the Director shall, subject to subsection (4), issue a label for the fuel features of the appliance that the inspector shall affix to the appliance.

(3) Where the inspector so requires, an applicant for a label shall conduct, in the presence of the inspector, such tests as are considered necessary by the inspector to determine that the fuel features of the appliance conform to approved standards.

(4) The Director may refuse to issue a label to an applicant under subsection (1) where two or more appliances of substantially the same design manufactured by two or more persons have been tested and labelled by an organization designated under section 15. R.R.O. 1990, Reg. 329, s. 17 (2-4).

(5) The non-refundable fee prescribed in the Schedule is payable for an inspection of the fuel features of an appliance, for reviewing drawings or for observing a test to determine whether the fuel features of the appliance conform to approved standards. O. Reg. 447/93, s. 2 (2).

(6) The Director may authorize an organization designated under section 15,

- (a) to perform the inspection described in clause (2) (b); and
- (b) to require the applicant for a label under subsection (1) to conduct such tests as are considered necessary by the testing organization to determine that the appliance conforms to approved standards.

(7) The organization authorized under subsection (6) shall, where the inspection or testing of the appliances under subsection (6) indicates that the fuel features conform to approved standards, place its label thereon. R.R.O. 1990, Reg. 329, s. 17 (6, 7).

18. (1) An application for a licence to distribute fuel oil by pipeline or a renewal thereof under section 12 of the Act shall be made to the Director.

(2) A licence to distribute fuel oil by pipeline or a renewal thereof shall be issued to the applicant where the distribution system complies with this Regulation. R.R.O. 1990, Reg. 329, s. 18 (1, 2).

(3) The non-refundable fee prescribed in the Schedule is payable on an application for a licence to distribute fuel oil by pipeline, or a renewal of the licence.

(4) An inspector may inspect the distribution system of a person who applies for or holds a licence to distribute fuel oil by pipeline to determine whether the system complies with this Regulation.

(5) The non-refundable fee prescribed in the Schedule is payable for the inspection.

(6) No licence to distribute fuel oil by pipeline shall be issued or renewed until the applicant for the licence has paid the prescribed fee for the inspection. O. Reg. 447/93, s. 3.

19. (1) An application for a registration as a contractor under section 13 of the Act or a renewal thereof shall be made to the Director. R.R.O. 1990, Reg. 329, s. 19 (1).

(2) The non-refundable fee prescribed in the Schedule is payable on an application for registration as a contractor, or renewal of the registration. O. Reg. 447/93, s. 4 (1).

(3) Evidence of registration as a contractor, or a renewal thereof, shall be issued to an applicant by the Director when the applicant is registered as a contractor or the registration is renewed.

(4) A contractor shall display evidence of registration in a conspicuous place in the contractor's business premises and shall notify the Director forthwith of any change of business address.

(5) Every registration or renewal thereof expires on the date indicated thereon.

(6) Registrations and renewals thereof are not transferable. R.R.O. 1990, Reg. 329, s. 19 (3-6).

(7) An inspector may inspect the installations, repairs and other work performed by a registered contractor to determine whether the work complies with this Regulation.

(8) The non-refundable fee prescribed in the Schedule is payable for the inspection.

(9) No registration of a contractor shall be renewed until the contractor has paid the prescribed fee for the inspection. O. Reg. 447/93, s. 4 (2).

20.-23. REVOKED: O. Reg. 349/96, s. 1.

24. Where an appliance is to be installed in a building, the Director may require,

- (a) that installation drawings be submitted to him or her prior to the commencement of the installation; and
- (b) that such drawings be certified by a professional engineer as complying with this Regulation. R.R.O. 1990, Reg. 329, s. 24.

25. The engineering services, for which the non-refundable fees prescribed in the Schedule are payable, include services for plan or drawing reviews, deviation requests, monitoring field development projects, site remediation and general consultations. O. Reg. 447/93, s. 7.

26. (1) The Director may specify circumstances in which the fee payable under this Regulation for inspections or engineering services shall be increased to cover the travel time and the reasonable travel and living expenses of the inspector or the person providing the engineering services. O. Reg. 447/93, s. 7.

(2) A fee set out in the Schedule that is expressed as an amount per hour is payable on the basis of each quarter hour or part of a quarter hour that the person charging the fee spends, subject to the minimum set out in the Schedule. O. Reg. 442/96, s. 1.

27. (1) On receiving a request and payment of the non-refundable fee prescribed in the Schedule, the Director shall issue a duplicate licence or registration. O. Reg. 447/93, s. 7; O. Reg. 349/96, s. 2 (1).

(2) If the name on a licence or registration changes, the holder shall apply to the Director for a licence or registration containing the new name. O. Reg. 447/93, s. 7; O. Reg. 349/96, s. 2 (2).

(3) On receiving payment of the non-refundable fee prescribed in the Schedule, the Director shall issue a licence or registration containing the new name. O. Reg. 447/93, s. 7; O. Reg. 349/96, s. 2 (3).

(4) If the address on a licence or registration changes, the holder shall notify the Director of the new address within six days of the change. O. Reg. 447/93, s. 7; O. Reg. 349/96, s. 2 (4).

Schedule

FEES

Item No.	Description	Fees \$
1.	Application for a licence to distribute fuel oil by pipeline, or renewal of the licence .	500.00
2.	Application for registration as a contractor, or renewal of the registration	210.00
3.	Issuance of a duplicate licence or registration	15.00
4.	Issuance of a licence or registration containing a new name	15.00
5.	Inspection services	120.00 per hour for each inspector providing the services, minimum of one hour
6.	Engineering services	120.00 per hour for each person providing the services, minimum of one hour

O. Reg. 442/96, s. 2; O. Reg. 543/96, s. 1.

Energy Act

Loi sur les hydrocarbures

ONTARIO REGULATION 546/96

No Amendments

GAS UTILIZATION CODE

DEFINITIONS

1. In this Regulation,

"approved" means,

- (a) with respect to a standard or a laboratory test report, that it is listed in "Titles of Standards and Laboratory Test Reports Authorized in the Province of Ontario under the *Energy Act*", dated November 1, 1996, as amended from time to time,
- (b) with respect to an appliance, equipment, a component or an accessory, that it bears the label or symbol of a designated testing organization or a label or symbol authorized by the Director, certifying compliance with an approved standard or laboratory test report,
- (c) with respect to an installation or work, that it complies with this Regulation or a predecessor of this Regulation as it read when the installation was carried out;

"certificate" means a certificate referred to in section 14 of the Act, except in section 12;

"Code" means the *Ontario Gas Utilization Code, 1996* adopted as part of this Regulation under section 2, as amended from time to time;

"engineering services" means services performed for the purposes of the Act and includes services relating to the review of plans or drawings, requests for variances or deviations, the monitoring of field development projects, site remediation and general consultations;

"fuel features" means parts that use natural gas, handle natural gas, govern combustion or vent combustion products and the features of construction and installation that relate to the safe use and handling of natural gas;

"professional engineer" means a professional engineer within the meaning of the *Professional Engineers Act*;

"unacceptable condition" means,

- (a) with respect to an appliance, container or work, that it is being used for a purpose other than that for which it was approved,
- (b) with respect to an appliance, container or work, that an alteration to it, by the addition of a device or attachment or in any other way, or any deterioration of it, is likely to impair its safe operation, or
- (c) with respect to an appliance or work, that the condition of piping, tubing or hoses, the venting of products of combustion, the supply of air for combustion or the clearance from adjacent combustible matter is likely to impair its safe operation or does not meet the requirements of this Regulation or a predecessor of it, whichever applied when the appliance or work was installed. O. Reg. 546/96, s. 1.

2. The *Ontario Gas Utilization Code, 1996* issued by the Engineering and Standards Branch, Technical Standards Division of the Ministry

of Consumer and Commercial Relations and the standards and specifications set out in it, and the "Titles of Standards and Laboratory Test Reports Authorized in the Province of Ontario under the *Energy Act*" dated November 1, 1996, as amended from time to time, are adopted as part of this Regulation. O. Reg. 546/96, s. 2.

3. No person or distributor shall knowingly supply natural gas to or use an appliance, a container, equipment, a work or any other thing employed in the handling or use of natural gas that does not comply with this Regulation or a predecessor of it as it read at the time of the installation. O. Reg. 546/96, s. 3.

OWNER AND USER RESPONSIBILITIES

4. (1) An owner or user of an appliance or work to whom notice has been given under section 6 or 7 that it is in an unacceptable condition constituting an immediate hazard shall not use, or cause or permit to be used, the appliance or work until the condition has been corrected and a distributor has determined on reinspection that the condition has been corrected.

(2) An owner or user of an appliance or work to whom notice has been given under section 6 or 7 that the appliance or work is in an unacceptable condition not constituting an immediate hazard shall not use, or cause or permit to be used, the appliance or work after the expiry of the period of time specified in the notice for correcting the condition, if the condition has not been corrected.

(3) An owner or user of an appliance, equipment, a work or any other thing employed in the handling or use of natural gas shall ensure that they are maintained in a safe operating condition. O. Reg. 546/96, s. 4.

5. (1) This section applies if a person who is exempted from section 14 of the Act installs an appliance or works on an installed appliance in his or her own detached dwelling.

(2) The person shall promptly notify the gas distributor after he or she completes the installation or work.

(3) The gas distributor shall inspect the installation or work to determine whether it complies with the requirements of the Act and regulations.

(4) A person referred to in subsection (1) shall not activate an appliance or work installed or serviced by him or her until a holder of a valid certificate has determined that the appliance or work and its installation comply with this Regulation.

(5) In subsection (4),

"serviced" does not include the carrying out of routine maintenance. O. Reg. 546/96, s. 5.

CERTIFICATE AND REGISTRATION HOLDER RESPONSIBILITIES

6. (1) A holder of a certificate or registration who finds that the unacceptable condition of an appliance or work is an immediate hazard shall,

- (a) immediately shut off the supply of gas to the appliance or work;
- (b) immediately give oral notice of the holder's actions to the gas distributor;
- (c) immediately give to the user a written notice,

- (i) describing the condition that constitutes an immediate hazard, and
- (ii) directing that the appliance or work not be used until the condition is corrected; and

(d) give written notice of the condition to the distributor, including notice that the supply of gas has been shut off, within 14 days of finding the condition.

(2) A holder of a certificate or registration who finds that an appliance or work is in an unacceptable condition not constituting an immediate hazard shall,

- (a) immediately give oral notice of the condition to the distributor of gas to the appliance or work;
- (b) immediately give written notice to the user of the appliance or work describing the condition and advising that notice of the condition has been given to the distributor; and
- (c) give written notice of the condition to the distributor within 14 days of finding the condition. O. Reg. 546/96, s. 6.

DISTRIBUTORS' RESPONSIBILITIES

7. (1) A distributor who finds that an appliance or work is in an unacceptable condition constituting an immediate hazard shall,

- (a) immediately shut off the supply of gas to the appliance or work; and
- (b) give prompt written notice of the condition to the user, including a direction that the appliance or work not be used until the condition is corrected and a distributor determines on reinspection that the condition has been corrected.

(2) A distributor who finds that an appliance or work is in an unacceptable condition that does not constitute an immediate hazard shall promptly give the user a written notice describing the condition and indicate in it that the distributor will shut off the supply of gas to the appliance or work within the period of time specified in the notice, which shall not be greater than 90 days.

(3) A distributor who gives notice under subsection (2) shall shut off the supply of gas to the appliance or work if the unacceptable condition is not corrected within 90 days.

(4) A distributor to whom a notice of the existence of an unacceptable condition is given under section 6 shall examine the appliance or work and take action in accordance with this section. O. Reg. 546/96, s. 7.

INSPECTIONS BY DISTRIBUTORS

8. (1) A distributor shall not supply gas to an appliance or work installed in a residential or commercial building unless the distributor has inspected the appliance or work and is satisfied that the installation and use of the appliance or work complies with the Act and with this Regulation or a predecessor of it as it read when the appliance or work was installed.

(2) An inspection shall be carried out by a person who is the holder of a valid certificate for the purpose.

(3) A distributor shall prepare a report on each inspection made under subsection (1) and keep it until the next inspection and report are completed. O. Reg. 546/96, s. 8.

INSPECTIONS BY OWNERS

9. (1) An owner of an industrial, institutional or assembly building, as defined in the Code, where a natural gas appliance or work is installed shall ensure that,

- (a) the appliance or work and its fuel features are maintained in accordance with the manufacturer's recommended maintenance procedures;
- (b) in consultation with the manufacturer or as required by the Director, an evaluation of the maintenance procedures referred to in clause (a) is carried out at least once every 10 years and, where necessary, new or upgraded procedures are established;
- (c) an inspection of the appliance or work and its fuel features is carried out at least once every 10 years to ensure that they are in a safe operating condition and that the installation is in compliance with the Act and with this Regulation or a predecessor of it as it read when the appliance or work was installed.

(2) An inspection shall be carried out by a person who is the holder of a valid certificate for the purpose.

(3) The owner shall keep a record of an inspection made under clause (1)(c) until the next inspection and report is completed. O. Reg. 546/96, s. 9.

LABORATORY APPROVAL OF APPLIANCES, EQUIPMENT, COMPONENTS AND ACCESSORIES

10. (1) This section applies only to the testing of appliances, equipment, components and accessories that is carried out at a place other than the place where they are installed for their intended use.

(2) A person may apply to a designated testing organization to have an appliance, equipment, a component or an accessory tested under this section.

(3) The Canadian Gas Association, the Canadian Standards Association, the Underwriters' Laboratories of Canada, Underwriters Laboratories Inc., Inchcape Testing Services NA Inc., and Inchcape Testing Services NA Ltd. are designated as organizations to test appliances, equipment, components and accessories to the applicable approved standards or laboratory test reports for the purposes of clause 3.2.1 of the Canadian Gas Association Standard CAN/CGA-B149.1-M95 as adopted by the Code.

(4) The Factory Mutual System is designated as an organization to test equipment, components and accessories to applicable approved standards or laboratory test reports for the purposes of clause 3.2.1 of the Canadian Gas Association Standard CAN/CGA-B149.1-M95 as adopted by the Code.

(5) A designated testing organization that tests an appliance, equipment, a component or an accessory under this section shall place its label or symbol on it if it conforms to the applicable approved standards or laboratory test reports. O. Reg. 546/96, s. 10.

FIELD APPROVAL OF APPLIANCES, EQUIPMENT, COMPONENTS AND ACCESSORIES

11. (1) This section applies only to the testing of appliances, equipment, components or accessories that is carried out at the place where they are installed for their intended use.

(2) A person may apply to the Director, an inspector authorized by the Director or International Approval Services Canada Inc. to have an appliance, equipment, a component or an accessory tested under this section.

(3) The Director, an inspector authorized by the Director or International Approval Services Canada Inc. may decline to test an appliance, equipment, a component or an accessory if its design is substantially the same as one that has been tested and approved by a designated testing organization.

(4) The Director, an inspector authorized by the Director or International Approval Services Canada Inc. may test appliances, equipment, components and accessories to applicable approved standards or laboratory test reports for the purposes of clause 3.2.1 of the Canadian Gas Association Standard CAN/CGA-B149.1-M95 as adopted by the Code.

(5) If an appliance, equipment, a component or an accessory tested under this section conforms to the applicable approved standards or laboratory test reports, the Director, an inspector authorized by the Director or International Approval Services Canada Inc. shall place its label or symbol on it.

(6) If an appliance, equipment, a component or an accessory is tested under this section, the Director, an inspector authorized by the Director or International Approval Services Canada Inc. shall,

- (a) determine whether its fuel features comply with the approved standards and this Regulation; and
- (b) affix or cause to be affixed a label or symbol authorized by the Director to the appliance, equipment, component or accessory, if the Director, an inspector authorized by the Director or International Approval Services Canada Inc. determines that its fuel features comply with the approved standards and this Regulation.

(7) An applicant shall provide to the Director, an inspector authorized by the Director or International Approval Services Canada Inc. all information, and shall conduct or cause to be conducted all tests, required to determine compliance with clause (6) (a).

(8) An applicant who applies to the Director to have an appliance, equipment, a component or an accessory tested and approved under this section shall pay the non-refundable fees prescribed in the Schedule for the time reasonably spent,

- (a) in reviewing information about the thing to be tested;
- (b) in inspecting its fuel features; and
- (c) in observing any test of the fuel features to determine their compliance with this Regulation. O. Reg. 546/96, s. 11.

12. (1) As an alternative to an application under subsection 11 (2), a user of an appliance having an input exceeding 15 000 kilowatts (50,000,000 British thermal units per hour) may, before the appliance is initially activated and used for its intended purpose, obtain a written statement from a professional engineer certifying that the appliance complies with the approved standards and this Regulation.

(2) A user seeking to certify an appliance under subsection (1) shall, for the purpose of determining compliance with clause 11 (6) (a) provide the professional engineer with all the information that he or she requires and conduct, or cause to be conducted, all tests that he or she requires.

(3) A professional engineer who certifies an appliance shall state whether the fuel features meet the requirement set out in clause 11 (6) (a).

(4) The user shall retain the certificate obtained under subsection (1), and the certificate is sufficient indication that the appliance has been approved and replaces the requirement for a label or symbol referred to in clause 11 (6) (b).

(5) Before an appliance certified by a professional engineer is activated, the user shall submit to the gas distributor a copy of the certificate, along with the name, address and telephone number of the person who will activate the appliance. O. Reg. 546/96, s. 12.

REGISTRATION OF CONTRACTORS

13. (1) An application for registration as a contractor under section 13 of the Act shall be made to the Director in the required form and be accompanied by the prescribed fee.

(2) A registration as a contractor expires one year after its date of issue.

(3) An application to renew a registration made after the registration has expired shall be treated as a new application for registration.

(4) The Director shall issue evidence of registration to an applicant who is registered as a contractor or renews a registration as a contractor.

(5) The Director shall issue a renewal of a registration as a contractor if the holder of the registration applies for it, pays the required fee and is not in arrears of any fees owed to the Director.

(6) A registered contractor shall display the evidence of registration in a conspicuous place at the contractor's business premises and shall notify the Director within six days of any change in the business address.

(7) A registration is not transferable.

(8) If the name on the registration changes, the holder shall promptly apply to the Director for a registration containing the new name and pay the prescribed fee.

(9) If the registration is lost, stolen or destroyed, the holder shall promptly apply to the Director for a duplicate and shall pay the prescribed fee, whereupon the Director shall issue duplicate evidence of a valid registration.

(10) Any duplicate registration issued due to the loss or theft of the original shall promptly be returned to the Director if the original is recovered. O. Reg. 546/96, s. 13.

EXEMPTIONS

14. A person is exempt from section 10 of the Act with respect to the following:

1. Manually operated industrial appliances that have an input of not more than 6 kilowatts (20,000 British thermal units per hour).
2. Bunsen burners.
3. Stationary gas engines including turbine engines.
4. Portable gas equipment used for road construction or repair. O. Reg. 546/96, s. 14.

FEES

15. (1) The fees and rates of fees payable under this Regulation are set out in the Schedule.

(2) A person for whom inspection or engineering services are provided for the purposes of administering or determining compliance with this Regulation shall pay the prescribed fees, or cause them to be paid, including, where applicable, travel time and reasonable travel and living expenses incurred by the inspector or person providing the engineering services.

(3) A fee set out in the Schedule that is expressed as an amount per hour is payable on the basis of each quarter hour or part of a quarter hour that the person charging the fee spends, subject to the minimum set out in the Schedule. O. Reg. 546/96, s. 15.

Schedule

FEES

ITEM No.	COLUMN 1	COLUMN 2
1.	Application for registration as a contractor, or renewal of the registration	\$210.00
2.	Issuance of a duplicate registration	15.00
3.	Issuance of a registration bearing a new name or address	15.00
4.	Inspection services	120.00 per hour for each inspector providing the services, minimum of one hour
5.	Engineering services	120.00 per hour for each person providing the services, minimum of one hour

O. Reg. 546/96, Sched.

Energy Act Loi sur les hydrocarbures

ONTARIO REGULATION 157/97

No Amendments

OIL AND GAS PIPELINE SYSTEMS

1. In this Regulation,

“engineering services” means services performed by a person for the purposes of the Act and includes services for reviewing plans or drawings, services relating to requests for variances or deviations, services for monitoring field development projects and services relating to site remediation and general consultations;

“gas” means any gas or mixture of gases suitable for domestic or industrial fuel that is conveyed to the user through a pipeline;

“licence” means a licence referred to in section 12 of the Act;

“oil” means crude oil, liquid petroleum products, natural gasoline, natural gas liquids, liquefied petroleum gas and any condensate resulting from the production, processing or refining of hydrocarbons;

“operating company” includes an individual, partnership, corporation, public agency or other entity operating a gas or oil pipeline system;

“professional engineer” means a professional engineer within the meaning of the *Professional Engineers Act*. O. Reg. 157/97, s. 1.

2. (1) The publication entitled the Oil and Gas Pipeline Systems Code, 1997, as amended from time to time, issued by the Fuels Safety Program, Technical Standards Division of the Ministry of Consumer and Commercial Relations and the standards and laboratory test reports referred to in it to the extent that they apply to the Code, are adopted as part of this Regulation.

(2) Every person engaged in the design, construction, erection, alteration, installation, testing, operation, maintenance, repair or removal of a pipeline for the transmission of oil or gas or the distribution of gas shall comply with the standards, procedures and requirements of the Code.

(3) If a provision of this Regulation conflicts with a provision of the Code, the provision of this Regulation prevails. O. Reg. 157/97, s. 2.

3. (1) An operating company that intends to use an oil pipeline shall obtain certification from a professional engineer that the design, construction, installation, replacement, extension, reclassification or testing of the pipeline has been carried out in accordance with the Act and this Regulation.

(2) An operating company shall obtain certification from a professional engineer that a gas pipeline having a diameter in excess of 219.1 millimetres or intended to operate at a pressure in excess of 860 kPa has been designed, constructed, installed, replaced, extended or reclassified in accordance with the Act and this Regulation.

(3) An operating company that has a gas pipeline installed or tested shall obtain certification from a person who holds a certificate as a gas pipeline inspector under section 14 of the Act or a professional engineer that the installation or testing has been carried out in accordance with the Act and this Regulation.

(4) An operating company that has a pipeline upgraded shall, prior to activating it, obtain certification from a professional engineer that the pipeline has been upgraded in accordance with the Act and this Regulation.

(5) An operating company shall file the certification referred to in subsection (4) with the Director where the upgrading results in an operating stress level greater than 30 per cent of the specified minimum yield strength of the pipeline.

(6) The operating company shall retain the certifications obtained under subsections (1) to (5) at its head office in Ontario for the life of the pipeline. O. Reg. 157/97, s. 3.

4. Where the Director has reason to believe that an unsafe condition exists in a pipeline, an operating company shall uncover any part of the pipeline at the written request of the Director. O. Reg. 157/97, s. 4.

5. (1) An application for the following licences or their renewal shall be made to the Director and shall be accompanied by the non-refundable fee prescribed in the Schedule:

1. A licence to transmit gas.
2. A licence to distribute gas.
3. A licence to transmit oil.

(2) An operating company whose oil transmission pipeline system is less than 20 kilometres in length need not have a licence.

(3) A licence or a renewal of a licence expires 12 months after it is issued, and shall state the date on which it is issued and the date on which it expires.

(4) An inspector may inspect the pipelines for the transmission of oil or gas and for the distribution of gas of an applicant for or the holder of a licence referred to in subsection (1), the installations and repairs performed by or on behalf of the applicant or holder and the workmanship relating to those installations and repairs to determine whether they comply with the Act and this Regulation.

(5) No licence shall be issued or renewed until the applicant for or holder of the licence has paid the prescribed fee for an inspection under subsection (4). O. Reg. 157/97, s. 5.

6. (1) The Director shall issue a duplicate licence on receiving an application therefor and payment of the non-refundable fee prescribed in the Schedule for a duplicate.

(2) A holder of a licence whose name has changed shall apply to the Director for a licence bearing the new name and pay the non-refundable fee prescribed in the Schedule.

(3) The Director shall issue a licence bearing the new name on receiving the application and fee referred to in subsection (2).

(4) The holder of a licence whose address has changed shall notify the Director of the new address within six days of the change. O. Reg. 157/97, s. 6.

7. A professional engineer is exempt from section 14 and subsection 17 (2) of the Act. O. Reg. 157/97, s. 7.

8. (1) The fees set out in the Schedule are payable for the items that are specified.

(2) If the Director or an inspector causes inspection or engineering services to be provided to a person for the purpose of carrying out powers or duties under the Act and this Regulation, the person shall pay the fees set out in the Schedule for those services.

(3) The fees for inspection or engineering services shall include, where applicable, the travel time and reasonable travel and living expenses incurred by the inspector or the person providing the engineering services.

(4) A fee set out in the Schedule that is expressed as an amount per hour is payable on the basis of each quarter hour or part of a quarter hour that the person charging the fee spends, subject to the minimum set out in the Schedule. O. Reg. 157/97, s. 8.

Schedule

FEES

Item No.	Description	Fees \$
1.	Application for a licence to transmit gas in pipelines for which no licence has previously been issued, or a renewal thereof, if the amount of gas to be transmitted in the twelve-month period following the issuance of the licence is,	
	(a) not more than 14,000,000 cubic metres	5,000
	(b) more than 14,000,000 cubic metres . .	25,000
2.	Application for a licence to distribute gas in pipelines for which no licence has previously been issued, or a renewal thereof, if the amount of gas to be distributed in the twelve-month period following the issuance of the licence is,	
	(a) not more than 14,000 cubic metres . . .	nil
	(b) more than 14,000 cubic metres, but not more than 280,000 cubic metres	50

Item No.	Description	Fees \$
	(c) more than 280,000 cubic metres, but not more than 2,280,000 cubic metres . . .	500
	(d) more than 2,280,000 cubic metres, but not more than 1,000,000,000 cubic metres	5,000
	(e) more than 1,000,000,000 cubic metres	75,000
3.	Application for a licence to transmit oil in pipelines for which no licence has previously been issued or a renewal thereof	25,000
4.	Issuance of a duplicate licence	15
5.	Issuance of a licence containing a new name .	15
6.	Inspection services	120 per hour for each inspector providing the services, minimum of one hour
7.	Engineering services	120 per hour for each person providing the services, minimum of one hour

O. Reg. 157/97, Sched.

Energy Act Loi sur les hydrocarbures

ONTARIO REGULATION 514/96

No Amendments

PROPANE STORAGE, HANDLING AND UTILIZATION

1. In this Regulation,

“approved” means,

- (a) with respect to a standard or a laboratory test report, that it is listed in “Titles of Standards and Laboratory Test Reports Authorized in the Province of Ontario under the *Energy Act*”, dated November 1, 1996, as amended from time to time,
- (b) with respect to an appliance, equipment, a component or an accessory, that it bears the label or symbol of a designated testing organization or a label or symbol authorized by the Director, certifying compliance with an approved standard or laboratory test report,
- (c) with respect to an installation or work, that it complies with this Regulation or a predecessor of it as it read when the installation was done;

“certificate” means a certificate referred to in section 14 of the Act, except in section 10;

“Code” means the *Ontario Propane Code, 1996* adopted as part of this Regulation under section 2, as amended from time to time;

“cylinder handling facility” means a facility where propane in refillable cylinders is sold or otherwise distributed to end users;

“engineering services” means services performed for the purposes of the Act and includes services relating to the review of plans or drawings, requests for variances or deviations, the monitoring of field development projects, site remediation and general consultations;

“fuel features” means parts that use propane, handle propane, govern combustion or vent combustion products and the features of construction and installation that relate to the safe use and handling of propane;

“professional engineer” means a professional engineer within the meaning of the *Professional Engineers Act*;

“propane vehicle” means a vehicle that is designed to travel only or primarily on land and that is propelled by an internal combustion engine fuelled by propane;

“unacceptable condition” means,

- (a) with respect to an appliance, container or work, that it is being used for a purpose other than that for which it was approved,
- (b) with respect to an appliance, container or work, that an alteration to it, by the addition of a device or attachment or in any other way, or any deterioration of it, is likely to impair its safe operation, or
- (c) with respect to an appliance or work that the condition of piping, tubing or hoses, the venting of products of combustion, the supply of air for combustion or the clearance from adjacent combustible matter is likely to impair its safe operation or does not meet

the requirements of this Regulation or a predecessor of it as it read when the appliance or work was installed;

“vehicle conversion centre” means any place where a person carries on the business of, or whose business includes,

- (a) converting a vehicle designed to travel primarily on land and propelled by a non-propane internal combustion engine so that the vehicle's engine is fuelled by propane, or
- (b) repairing, removing, altering or servicing the engine or propane fuel system, or both, of a propane vehicle. O. Reg. 514/96, s. 1.

CODE

2. The *Ontario Propane Code, 1996* issued by the Engineering and Standards Branch, Technical Standards Division of the Ministry of Consumer and Commercial Relations and the standards and specifications set out in it, and the “Titles of Standards and Laboratory Test Reports Authorized in the Province of Ontario under the *Energy Act*”, dated November 1, 1996, as amended from time to time, are adopted as part of this Regulation. O. Reg. 514/96, s. 2.

SUPPLY AND USE OF PROPANE

3. (1) No person shall knowingly supply propane to or use an appliance, a container, equipment, a propane vehicle, a work or any other thing employed in the handling or use of propane that does not comply with this Regulation or a predecessor of it as it read at the time of the installation.

(2) An owner and every person responsible for the operation of an appliance, a container, equipment, a work or any other thing employed in the handling or use of propane shall ensure that an appliance, a container, equipment, a work or any other thing employed in the handling of propane is maintained in a safe operating condition.

(3) No person shall operate, or permit to be operated, an appliance or work unless it is maintained in safe operating condition and it complies with this Regulation or a predecessor of it as it read when the appliance or work was installed. O. Reg. 514/96, s. 3.

OPERATION OF AN APPLIANCE OR WORK

4. (1) No distributor shall supply propane to a container that is connected to an appliance or work unless the distributor,

- (a) has inspected the appliance or work at least once within the previous 10 years; and
- (b) is satisfied that the installation and use of the appliance or work complies with the Act and with this Regulation or a predecessor of it as it read when the appliance or work was installed.

(2) A distributor shall prepare a report on each inspection made under subsection (1) and shall retain the report until the next inspection and report are completed.

(3) This section does not apply to propane vehicles, industrial vehicles or to appliances on highway vehicles or recreational vehicles.

(4) An inspection shall be carried out by a person who is the holder of a valid certificate for the purpose. O. Reg. 514/96, s. 4.

5. (1) This section applies if a person who is exempted from section 14 of the Act installs an appliance or works on an installed appliance in his or her own detached dwelling.

(2) The person shall promptly notify the distributor after he or she completes the installation or work.

(3) The distributor shall inspect the installation or work to determine whether it complies with the requirements of the Act and regulations.

(4) A person referred to in subsection (1) shall not activate any appliance or work installed or serviced by him or her until a holder of a valid certificate has determined that the appliance and its installation comply with this Regulation.

(5) In subsection (4),

"serviced" does not include the carrying out of routine maintenance.
O. Reg. 514/96, s. 5.

6. (1) A distributor who finds that an appliance or work is in an unacceptable condition constituting an immediate hazard shall,

- (a) immediately shut off the supply of propane to the appliance or work; and
- (b) give prompt written notice of the condition to its user, including a direction that it is not to be used until the condition is corrected and a distributor has determined on re-inspection that the condition has been corrected.

(2) No user to whom notice has been given under subsection (1) shall use, or permit to be used, the appliance or work until the condition has been corrected and a distributor has determined on re-inspection that the condition has been corrected.

(3) A distributor who finds that an appliance or work is in an unacceptable condition that does not constitute an immediate hazard shall promptly give the user a written notice describing the condition and indicate in it that the distributor will shut off the supply of propane to the appliance or work within the period of time specified in the notice, which shall not be greater than 90 days.

(4) A distributor who gives notice under subsection (3) shall shut off the supply of propane to the appliance or work if the unacceptable condition is not corrected within 90 days.

(5) No user to whom notice has been given under subsection (3) shall use, or permit to be used, the appliance or work after the expiry of the period of time specified in the notice for correcting the condition, unless the condition has been corrected. O. Reg. 514/96, s. 6.

CERTIFICATE AND REGISTRATION HOLDER RESPONSIBILITIES

7. (1) A holder of a certificate or registration who finds that the unacceptable condition of an appliance or work is an immediate hazard shall,

- (a) immediately shut off the supply of propane to the appliance or work;
- (b) promptly give to the propane distributor oral notice of the actions taken under clause (a);
- (c) promptly give to the user a written notice,
 - (i) describing the condition that constitutes an immediate hazard, and
 - (ii) a statement indicating that the appliance or work shall not be used until the condition is corrected; and

(d) give written notice of the condition to the distributor, including notice that the supply of propane has been shut off, within 14 days of finding the condition.

(2) No user to whom notice has been given under subsection (1) shall use, or permit to be used, the appliance or work until the condition is corrected.

(3) A holder of a certificate or registration who finds an appliance or work is in an unacceptable condition not constituting an immediate hazard shall,

- (a) immediately give oral notice of the condition to the distributor of propane to the appliance or work;
- (b) immediately give written notice to the user of the appliance or work describing the condition and advising that notice of the condition has been given to the distributor; and
- (c) give written notice of the condition to the distributor within 14 days of finding the condition.

(4) A distributor to whom notice is given under subsection (1) or (3) shall inspect the appliance or work and take the action required under section 6. O. Reg. 514/96, s. 7.

LABORATORY APPROVAL OF APPLIANCES, COMPONENTS, ACCESSORIES AND EQUIPMENT

8. (1) This section applies only to the testing of an appliance, equipment, a component or an accessory that is carried out at a place other than the place where they were installed for their intended use.

(2) A person may apply to a designated testing organization to have an appliance, equipment, a component or an accessory tested under this section.

(3) The Canadian Gas Association, the Canadian Standards Association, the Underwriters' Laboratories of Canada, the Underwriters' Laboratories Inc., Inchcape Testing Services NA Inc. and Inchcape Testing Services NA Ltd. are designated as organizations to test appliances, equipment, components and accessories to applicable approved standards or laboratory test reports for the purposes of clause 3.2.1 of the Canadian Gas Association Standard CAN/CGA B149.2-M95 as adopted by the Code.

(4) The Factory Mutual System is designated as an organization to test equipment, components and accessories to applicable approved standards or laboratory test reports for the purposes of clause 3.2.1 of the Canadian Gas Association Standard CAN/CGA B149.2-M95 as adopted by the Code.

(5) A designated testing organization that tests an appliance, equipment, a component or an accessory under this section shall place its label or symbol on it if it conforms to the applicable approved standards or laboratory test reports. O. Reg. 514/96, s. 8.

FIELD APPROVAL OF APPLIANCES, EQUIPMENT, COMPONENTS, ACCESSORIES

9. (1) This section applies only to the testing of appliances, equipment, a component or an accessory that is carried out at the place where they are installed for their intended use.

(2) A person may apply to the Director, an inspector authorized by the Director or International Approval Services Canada Inc. to have an appliance, equipment, a component or an accessory tested under this section.

(3) The Director, an inspector authorized by the Director or International Approval Services Canada Inc. may decline to test an appliance,

equipment, a component or an accessory if its design is substantially the same as one that has been tested and approved by a designated testing organization.

(4) The Director, an inspector authorized by the Director or International Approval Services Canada Inc. may test appliances, equipment, components and accessories to applicable approved standards or laboratory test reports for the purposes of clause 3.2.1 of the Canadian Gas Association Standard CAN/CGA B149.2-M95 as adopted by the Code.

(5) If an appliance, equipment, a component or an accessory tested under subsection (4) conforms to the applicable approved standards or laboratory test reports, an inspector authorized by the Director or International Approval Services Canada Inc. shall place their label or symbol on it.

(6) If an appliance, equipment, a component or an accessory is tested under this section, the Director, an inspector authorized by the Director or International Approval Services Canada Inc. shall,

- (a) determine whether its fuel features comply with the approved standards and this Regulation;
- (b) affix or cause to be affixed a label or symbol authorized by the Director to the appliance, equipment, a component or accessory, if the Director, an inspector authorized by the Director or International Approval Services Canada Inc. determines that its fuel features comply with the approved standards and this Regulation.

(7) An applicant shall provide to the Director, an inspector authorized by the Director or International Approval Services Canada Inc. all information, and shall conduct or cause to be conducted all tests, required to determine compliance with clause (6) (a).

(8) An applicant who applies to the Director to have an appliance, equipment, a component or an accessory tested and approved under this section shall pay the non-refundable fees prescribed in the Schedule for the time reasonably spent,

- (a) in reviewing information about the thing to be tested;
- (b) in inspecting its fuel features; and
- (c) in observing any test of the fuel features to determine their compliance with this Regulation. O. Reg. 514/96, s. 9.

10. (1) As an alternative to an application under subsection 9 (2), a user of an appliance having an input exceeding 15,000 kilowatts (50,000,000 British thermal units per hour) may, before the appliance is initially activated and used for its intended purpose, obtain a written statement from a professional engineer certifying that the appliance complies with the approved standards and this Regulation.

(2) A user seeking to certify an appliance under subsection (1) shall, for the purpose of determining compliance with clause 9 (6) (a) provide the professional engineer with all the information that he or she requires and conduct, or cause to be conducted, all tests that he or she requires.

(3) A professional engineer who certifies an appliance shall state whether the fuel features meet the requirement set out in clause 9 (6) (a).

(4) The user shall retain the certificate obtained under subsection (1), and the certificate is sufficient indication that the appliance has been approved and replaces the requirement for a label or symbol referred to in clause 9 (6) (b).

(5) Before an appliance certified by a professional engineer is activated, the user shall submit to the propane distributor a copy of the certifi-

cate, along with the name, address and telephone number of the person who will activate the appliance. O. Reg. 514/96, s. 10.

REGISTRATION

11. (1) An application for registration as a contractor or propane vehicle conversion contractor shall be made to the Director in the required form and be accompanied by the prescribed fee.

(2) An applicant under subsection (1) shall make separate applications to the Director,

- (a) for registration as a propane vehicle conversion contractor in respect of each vehicle conversion centre the applicant operates, if any; and
- (b) for registration as a contractor in respect of operations other than the operation of a vehicle conversion centre.

(3) An applicant under clause (2) (a) shall submit with the application for each vehicle conversion centre,

- (a) a letter from the municipality where the centre is located indicating that the use of the centre for its intended purpose does not contravene the zoning by-laws of the municipality;

(b) a legible plan in triplicate showing,

- (i) each building located within 75 feet of the vehicle conversion centre, and

(ii) any other relevant information;

(c) a written statement identifying at least one person who is the holder of a valid internal combustion alternate fuel technician (ICE) certificate and who performs work at the applicant's vehicle conversion centre; and

(d) confirmation that the site complies with Branch Standard No. 9.

(4) The Director shall issue a registration to a person if the person complies with subsections (1), (2) and (3).

(5) A registration expires one year after the date of its issue.

(6) A propane vehicle conversion contractor may operate a vehicle conversion centre only at the location set out in the registration.

(7) No person shall operate a vehicle conversion centre unless the person is registered as a propane vehicle conversion contractor.

(8) The holder of a registration shall display it in a conspicuous place at the business address set out on the registration.

(9) A registration is not transferable. O. Reg. 514/96, s. 11.

PROPANE VEHICLE CONVERSIONS

12. (1) A propane vehicle conversion contractor who operates a vehicle conversion centre shall ensure that each vehicle converted to propane at the centre is converted in compliance with this Regulation and has affixed to it the labels required by the Code.

(2) A contractor shall pay the required fee to the Director for the labels required under subsection (1).

(3) A vehicle conversion centre shall be equipped with one or more approved fire extinguishers classified in accordance with ULC Standard CAN-S508 of not less than a total 40-B,C rating. O. Reg. 514/96, s. 12.

VEHICLE OPERATION

13. (1) No person shall operate, or permit to be operated, a vehicle that is converted to use propane, after this Regulation comes into force, unless the labels required by the Code are affixed to the vehicle.

(2) No person shall operate, or permit to be operated, a vehicle that is converted to use propane unless the propane fuel system complies with this Regulation or a predecessor of the Regulation as it read at the time of the conversion.

(3) No person shall connect, or permit to be connected, a gasoline or propane fuelling nozzle to the fuel fill point of a vehicle equipped with a propane appliance unless the supply of propane to the main burners and pilot burners of the appliance is shut off.

(4) An operator of a vehicle with a propane appliance installed on it shall shut off, or cause to be shut off, the supply of propane to the main burner and pilot burner of the appliance before a gasoline or propane fuelling nozzle is connected by anyone to the fuel fill point of the vehicle.

(5) Except as permitted by the Code, no person shall park a vehicle inside a building, if a cylinder containing propane is mounted, installed or stored in or on the vehicle.

(6) No person shall supply propane to a tank installed on a propane vehicle unless,

- (a) the fixed liquid level gauge of the tank remains open during the filling operation; or
- (b) a tank on a propane vehicle is equipped with an approved automatic stop-fill valve and the vehicle has a label located at the fill point identifying that an approved automatic stop-fill valve is installed.

(7) A person filling a tank using a fixed liquid level gauge shall immediately stop filling and close the gauge when liquid propane appears at the outlet of the gauge.

(8) No person shall transfer propane to the tank of a propane vehicle on a highway except in an emergency.

(9) No person shall operate a propane vehicle unless the service valve of the propane tank on the vehicle is fully open when the engine of the vehicle is operating on propane fuel. O. Reg. 514/96, s. 13.

CYLINDER HANDLING FACILITY LICENCE

14. (1) An application for a licence to operate a cylinder handling facility may be made to the Director and, subject to subsection (2), separate applications shall be made for a licence for each facility.

(2) A holder of a licence permitting the operation of a filling plant or a container refill centre, either of which contains a cylinder handling facility, is not required to apply under subsection (1) for a separate licence for the operation of the cylinder handling facility.

(3) An applicant who applies to the Director for a licence under subsection (1) shall,

- (a) submit an application in the form required by the Director;
- (b) pay the required fee;
- (c) provide a letter from the municipality where the applicant's cylinder handling facility is located indicating that the use of the

facility for its intended purpose does not contravene the zoning by-laws of the municipality; and

(d) subject to subsections (12), (13) and (14), prepare and submit a legible plan in triplicate showing,

- (i) the height, type and construction materials of each fence surrounding each cylinder storage area at the facility,
- (ii) the distance from each cylinder storage area at the facility to the property lines of the facility,
- (iii) each building or structure located within 50 feet of each cylinder storage area at the facility,
- (iv) the distance from each cylinder storage area at the facility to any other site where flammable or combustible substances are stored,
- (v) the location of thoroughfares and sidewalks adjacent to the facility,
- (vi) the property lines of adjoining property occupied by schools, churches, hospitals, athletic fields or other points of public gathering, and
- (vii) any other relevant information.

(4) The Director may cause an inspector to inspect a cylinder handling facility referred to in a licence or in an application for a licence to determine if the facility complies with this Regulation.

(5) The Director shall issue a licence to operate a cylinder handling facility to an applicant who,

- (a) complies with subsection (3);
- (b) pays the required fee for any engineering services or inspection services rendered; and
- (c) complies with the applicable provisions of Parts 8, 9 and 10 of the Canadian Gas Association Standard CAN/CGA B149.2-M95 as adopted in Part I of the Code in respect of cylinder handling facilities.

(6) A holder of a licence to operate a cylinder handling facility shall not make an addition or alteration to the facility unless the holder has applied for and received the written permission of the Director.

(7) The Director shall give the written permission under subsection (6) if, in his or her opinion, the addition or alteration meets the requirements of this Regulation and is not inconsistent with the applicable municipal by-laws.

(8) An applicant under subsection (6) shall,

- (a) set out in the application all details of the addition or alteration proposed;
- (b) provide a letter from the municipality under clause (3) (c), if the addition or alteration affects compliance with the municipality's zoning by-laws; and
- (c) provide a new plan under clause (3) (d), if the addition or alteration entails any changes to the plan previously provided under that clause or a predecessor of it.

(9) No person shall operate a cylinder handling facility if an addition or alteration to it is made without the Director's written permission.

(10) A licence to operate a cylinder handling facility expires one year after the date of its issue.

(11) A holder of a licence to operate a cylinder handling facility shall post the licence in a conspicuous place at the business address of the holder set out on the licence.

(12) An applicant does not have to prepare a plan under clause (3)(d) if no filling or purging of cylinders will occur at the cylinder handling facility for which the application is made.

(13) An applicant must prepare, but is not required to submit, plans under clause (3)(d) if,

- (a) the plans are approved by, and stamped with the seal of, a professional engineer;
- (b) the professional engineer submits a written declaration to the Director that the plans were approved and stamped in accordance with clause (a); and
- (c) the plans are kept at all times at the cylinder handling facility during its construction.

(14) Upon request by an inspector, an applicant under subsection (13) must produce the plans within 72 hours for inspection. O. Reg. 514/96, s. 14.

FILLING PLANTS AND CONTAINER REFILL CENTRES

15. (1) An application for a licence to operate a container refill centre or filling plant may be made to the Director.

(2) An applicant under subsection (1) shall,

- (a) submit an application in the form required by the Director;
- (b) pay the required fee;
- (c) provide a letter from the municipality where the container refill centre or filling plant, as the case may be, is located indicating that the use of it for its intended purpose does not contravene the zoning by-laws of the municipality;
- (d) subject to subsections (16) and (17), prepare and submit a legible plan in triplicate showing,
 - (i) the location of each propane storage tank, cylinder storage facility, underground piping or tubing and other propane handling facilities within the container refill centre or filling plant,
 - (ii) the distance from each propane storage tank and cylinder storage facility to the property lines of the centre or plant,
 - (iii) each building or structure located within 50 feet of a propane storage tank,
 - (iv) the location of each site where flammable or combustible substances are stored,
 - (v) the capacity in USWG of each propane storage tank within the centre or plant, and
 - (vi) any other relevant information; and

(e) submit a pre-installation site checksheet confirming that the site complies with Branch Standard No. 9.

(3) The Director may cause an inspector to inspect a container refill centre or filling plant referred to in a licence or in an application for a licence to determine if the centre or plant complies with the applicable provisions of Part 10 of the Canadian Gas Association Standard CAN/CGA B149.2-M95 as adopted in Part I of the Code.

(4) The Director shall issue a licence to operate a container refill centre or filling plant to an applicant if,

- (a) the applicant complies with subsection (2);
- (b) the applicant pays the required fee for any engineering services or inspection services rendered; and
- (c) the centre or plant complies with the applicable provisions of Part 10 of the Canadian Gas Association Standard CAN/CGA B149.2-M95 as adopted in Part I of the Code.

(5) A holder of a licence to operate a container refill centre or filling plant shall not make an addition or alteration to it unless the holder has applied for and received the written permission of the Director.

(6) The Director shall give the written permission under subsection (5) if, in his or her opinion, the addition or alteration meets the requirements of this Regulation and is not inconsistent with the applicable municipal by-laws.

(7) An applicant under subsection (5) shall,

- (a) set out in the application all details of the addition or alteration proposed;
- (b) provide a letter from the municipality under clause (2)(c) if the addition or alteration affects compliance with the municipality's zoning by-laws; and
- (c) provide a new plan under clause (2)(d) if the addition or alteration entails any changes to the plan previously provided under that clause or a predecessor of it.

(8) No person shall operate a container refill centre or a filling plant if an addition or alteration to it is made without the Director's written permission.

(9) A holder of a licence to operate a container refill centre or a filling plant shall ensure that each employee of the holder who handles propane, each person who is authorized to transfer propane to a container and each person to whom the holder issues an access code, card or key to dispense propane is trained,

- (a) in the safe handling of propane, including the safe operation and use of propane dispensing equipment; and
- (b) in the use of emergency shut-down switches, valves and procedures in respect of propane.

(10) A licence to operate a container refill centre or a filling plant expires one year after the date of its issue.

(11) The holder of a licence to operate a container refill centre or a filling plant shall display the licence in a conspicuous place at the business address referred to in the licence.

(12) An operator of a propane vehicle situated at a container refill centre or a filling plant shall ensure that the engine ignition of the vehicle is off during refuelling of the vehicle with propane.

(13) While a propane vehicle is being refuelled with propane, no person shall knowingly have in his or her possession lighted smoking material or any other ignited substance within 10 feet of,

- (a) the propane dispenser used to refuel the vehicle;
 - (b) the propane tank of the vehicle; or
 - (c) the propane fill point of the vehicle.
- (14) No person shall knowingly refuel a propane vehicle with propane if,
- (a) the vehicle's engine ignition is on;
 - (b) the main-burner or pilot light of a fuel-fired appliance on board the vehicle is on; or
 - (c) any lighted smoking material or other ignited substance is within 10 feet of,
 - (i) the propane dispenser used to refuel the vehicle,
 - (ii) the propane container of the vehicle, or
 - (iii) the propane fill point of the vehicle.
- (15) The total capacity of all propane storage tanks at a container refill centre shall not exceed 5,000 USWG.
- (16) An applicant must prepare, but is not required to submit, plans under clause (2) (d) if,
- (a) the plans are approved by, and stamped with the seal of, a professional engineer;
 - (b) the professional engineer submits a written declaration to the Director that the plans were approved and stamped in accordance with clause (a); and
 - (c) the plans are kept at all times at the centre or plant during its construction.
- (17) Upon request by an inspector, an applicant under subsection (16) must produce the plans within 72 hours for inspection. O. Reg. 514/96, s. 15.

TANK TRUCK OR CARGO LINER LICENCE

16. (1) An application for a licence to transport propane in tank trucks or cargo liners used in a person's business may be made to the Director and separate applications shall be made in respect of each tank truck or cargo liner.

- (2) An applicant who applies for a licence under subsection (1) shall,
 - (a) submit an application in the form required by the Director; and
 - (b) pay the required fee.
- (3) The Director may cause an inspector to inspect a tank truck or cargo liner referred to in a licence or in an application for a licence for the truck or liner.
- (4) The Director shall issue a licence to operate a tank truck or cargo liner to a person who,
 - (a) complies with subsection (2);
 - (b) pays the required fee for any inspection services rendered; and
 - (c) complies with the applicable provisions of Part 11 of the Canadian Gas Association Standard CAN/CGA B149.2-M95 as

adopted in Part I of the Code in respect of the tank truck or cargo liner.

(5) A licence for a tank truck or cargo liner expires one year after the date of its issue.

(6) A licence for a tank truck or cargo liner shall be carried in or on the tank truck or cargo liner, as the case may be, referred to in the licence.

(7) No person shall operate a tank truck or cargo liner to transport propane unless the licence for it is in or on the tank truck or cargo liner, as the case may be. O. Reg. 514/96, s. 16.

RENEWALS

17. (1) The Director shall issue a renewal of a registration as a contractor or propane vehicle conversion contractor if the holder of the registration applies for a renewal, pays the required fee and is not in arrears of any fees owed to the Director.

(2) Subsections 11 (1) to (4) do not apply to a renewal under subsection (1).

(3) An application to renew a registration as a contractor or propane vehicle conversion contractor received by the Director after the registration has expired shall be treated as a new application to which subsections 11 (1) to (4) apply.

(4) The Director shall issue a renewal of a licence to operate a cylinder handling facility, container refill centre or a filling plant or a licence for a tank truck or cargo liner, if the holder of the licence applies for a renewal, pays the required fee for it, and pays all fees that the Director may require for inspection services.

(5) With respect to renewals under subsection (4),

- (a) subsections 14 (3) and 14 (5) do not apply to a renewal of a licence to operate a cylinder handling facility;
- (b) subsections 15 (2) and 15 (4) do not apply to a renewal of a licence to operate a container refill centre or a filling plant; and
- (c) subsections 16 (2) and 16 (4) do not apply to a renewal of a licence for a tank truck or cargo liner.

(6) An application to renew a licence to operate a cylinder handling facility, container refill centre or a filling plant, or a licence for a tank truck or cargo liner, received by the Director after the licence has expired shall be treated as a new application to which subsection (5) does not apply. O. Reg. 514/96, s. 17.

EXEMPTIONS

18. (1) A person is exempt from section 10 of the Act with respect to the following:

- 1. Manually operated industrial appliances that have an input of not more than 6 kilowatts (20,000 British thermal units per hour).
- 2. Bunsen burners.
- 3. Stationary propane engines, and portable propane engines, that are not part of a vehicle.
- 4. Portable propane equipment used for road construction or repair of a road.
- 5. Propane hand torches connected to a cylinder having a propane capacity of not more than 5 pounds by weight.
- 6. Appliances connected to a container having a propane capacity of not more than 0.45 pounds by weight.

7. Mobile asphalt or tar pots that are heated with propane.

8. Propane vehicles.

(2) A person who transports propane with a tank trailer is exempt from section 12 of the Act in respect of the tank trailer. O. Reg. 514/96, s. 18.

19. (1) Any person who carries on business with the public or provides police services, and operates a container refill centre or a filling plant or both, for the exclusive use of that person, is exempt from section 12 of the Act if the person,

(a) applies to the Director for approval to operate the container refill centre or filling plant; and

(b) complies with this section and subsections 15 (12) to (17).

(2) An applicant under clause (1) (a) shall,

(a) submit an application in the form required by the Director;

(b) provide a letter from the municipality where the container refill centre or filling plant, as the case may be, is located indicating that the use of it for its intended purpose does not contravene the zoning by-laws of the municipality;

(c) submit a legible plan in triplicate showing,

(i) the location of each propane storage tank, cylinder storage facility, underground piping or tubing and other propane handling facilities within the container refill centre or filling plant,

(ii) the distance from each propane storage tank and cylinder storage facility to the property lines of the centre or plant,

(iii) each building or structure located within 50 feet of a propane storage tank,

(iv) the location of each site where flammable or combustible substances are stored,

(v) the capacity in USWG of each propane storage tank within the centre or plant, and

(vi) any other relevant information;

(d) submit a pre-installation site checksheet confirming that the site complies with Branch Standard No. 9.

(3) The Director shall give approval for the applicant to operate a container refill centre or filling plant if,

(a) the applicant complies with subsection (2); and

(b) the centre or plant complies with the applicable provisions of Part 10 of Canadian Gas Association Standard CAN/CGA B149.2-M95 as adopted in Part I of the Code.

(4) A person to whom the Director has given approval to operate a container refill centre or filling plant shall not make an addition or alteration to it unless the person has applied for and received the written permission of the Director.

(5) The Director shall give the written permission under subsection (4) if, in his or her opinion, the addition or alteration meets the requirements of this Regulation and is not inconsistent with the applicable municipal by-laws.

(6) An applicant under subsection (4) shall,

(a) set out in the application all details of the addition or alteration proposed;

(b) provide a letter from the municipality under clause (2) (b) if the addition or alteration affects compliance with the municipality's zoning by-laws; and

(c) provide a new plan under clause (2) (c) if the addition or alteration entails any changes to the plan previously provided under that clause or a predecessor of it.

(7) No person shall operate a container refill centre or a filling plant if an addition or alteration to it is made without the Director's written permission.

(8) A person to whom the Director has given approval to operate a container refill centre or a filling plant shall ensure that each employee of the holder who handles propane, each person who is authorized to transfer propane to a container and each person to whom the holder issues an access code, card or key to dispense propane is trained,

(a) in the safe handling of propane, including the safe operation and use of propane dispensing equipment; and

(b) in the use of emergency shut-down switches, valves and procedures in respect of propane. O. Reg. 514/96, s. 19.

INSPECTIONS

20. (1) A person who operates a business using a tank truck, cargo liner, filling plant, container refill centre or cylinder handling facility shall inspect, or shall have the person's supplier of propane inspect, each one of them at least once a year, to determine that they comply with this Regulation, or a predecessor of the Regulation as it read when a licence was issued for them or the facility was first approved.

(2) No person shall supply propane to a tank truck, cargo liner, filling plant, container refill centre or cylinder handling facility unless a duly completed inspection report made under subsection (1), or a predecessor of subsection (1), indicates that it complies with this Regulation, or a predecessor of the Regulation as it read when a licence was issued for it or the facility was first approved.

(3) A person who makes an inspection under subsection (1) shall prepare a report of the inspection, and shall clearly identify himself or herself on the report and legibly complete, date and sign the report.

(4) A person for whom an inspection is made under subsection (1) shall retain the completed inspection report for at least three years from the date of inspection,

(a) at the filling plant, container refill centre or cylinder handling facility referred to in the inspection report; or

(b) at the place of business set out on the licence for what was inspected.

(5) A person for whom an inspection is made under subsection (1) shall, on request, produce the inspection report made under subsection (3) for examination by an inspector.

(6) A person who operates a filling plant or a container refill centre shall maintain at the plant or centre, records and plans of the location of the underground piping and tubing of the plant or centre, as the case may be, and shall, on request, produce them for examination by an inspector. O. Reg. 514/96, s. 20.

GENERAL

Schedule

21. (1) A licence or registration is not transferable.

(2) If the name on a licence or registration changes, the holder shall promptly apply to the Director for a licence or registration containing the new name and shall pay the required fee.

(3) On receiving payment of the required fee, the Director shall issue a licence or registration containing the new name.

(4) If the address on a licence or registration changes, the holder shall notify the Director of the new address within six days of the change.

(5) A holder whose licence or registration is lost or destroyed shall promptly apply to the Director for a duplicate and shall pay the required fee.

(6) On receiving payment of the required fee, the Director shall issue a duplicate licence or registration.

(7) Any duplicate registration issued due to the loss or theft of the original shall promptly be returned to the Director if the original is recovered. O. Reg. 514/96, s. 21.

FEES

22. (1) The fees payable under this Regulation are set out in the Schedule.

(2) A person for whom inspection or engineering services are provided for the purposes of administering or determining compliance with this Regulation shall pay the prescribed fees, or cause them to be paid, including where applicable, travel time and reasonable travel and living expenses incurred by the inspector or person providing the engineering services.

(3) A fee set out in the Schedule that is expressed as an amount per hour is payable on the basis of each quarter hour or part of a quarter hour that the person charging the fee spends, subject to the minimum set out in the Schedule. O. Reg. 514/96, s. 22.

FEES

1.	Application for registration as a contractor or a propane vehicle conversion contractor	\$210.00
2.	Application for a licence to operate a cylinder handling facility	90.00
3.	Application for a licence to operate a filling plant or a container refill centre, if the total water capacity of the propane storage tanks at the plant or centre measured in US water gallons (USWG) is,	
	(a) not more than 1,125 USWG	90.00
	(b) more than 1,125 USWG08 per USWG or part of a USWG for the total water capacity
4.	Application for a licence for a tank truck or cargo liner	105.00
5.	Issuance of a duplicate licence or registration	15.00
6.	Issuance of a licence or registration containing a new name	15.00
7.	Inspection services	120.00 per hour for each inspector providing the services, minimum of one hour
8.	Engineering services	120.00 per hour for each person providing the services, minimum of one hour
9.	For labels for propane vehicles	100.00 per package of 10 labels

O. Reg. 514/96, Sched.